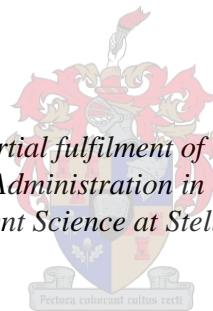


An Assessment of Public Participation in the Law-making and other Activities of the Parliament of the Republic of South Africa

by

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*Thesis presented in partial fulfilment of the requirements for the degree
Masters in Public Administration in the faculty of Economic and
Management Science at Stellenbosch University*



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DECLARATION

By submitting this study electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the sole author thereof (save to the extent explicitly otherwise stated), that reproduction and publication thereof by Stellenbosch University will not infringe any third party rights and that I have not previously in its entirety or in part submitted it for obtaining any qualification

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ABSTRACT

Public participation in democratic processes is essential in promoting democracy and is a critical ingredient for promoting good governance and accountability. Since the democratic elections in 1994, it has become possible for the people of South Africa across all races to have their voices heard in the processes and activities of Parliament. The transition to democracy created a government that was democratically elected and legitimate in the eyes of the majority of citizens, and also enabled a democratically elected Parliament that represents the people.

The strong focus on human rights and democratic principles found in the Constitution underpinned the new era of the South African Parliament post 1994. The Constitution states that the National Assembly is elected to represent the people and to ensure government by the people under the Constitution. In this respect, Parliament is mandated by the Constitution to facilitate public participation in its democratic processes to ensure that the people of South Africa are consulted in an organised fashion, on specific issues that affect their daily lives.

As a platform for the consideration of public issues, Parliament has introduced a number of strategies and mechanisms to facilitate public participation in its processes. Notwithstanding the opportunities created by Parliament to encourage public involvement in its processes, previous research studies have concluded that there were still gaps or areas of weakness in the manner in which Parliament facilitates public participation. This study assesses the strategies that are being utilised by Parliament to facilitate public participation in its activities to determine whether such strategies contribute to meaningful participation that enhances the outcome of the decision-making processes. To collect data, two research techniques were utilised in this study, namely interviews and document analysis.

This study found that Parliament was committed to encouraging public involvement in its activities, such that public participation has been adopted as a strategic priority of the institution. However, challenges that hinder the ability of the institution to facilitate meaningful public participation that enhances the outcome of the decision-making processes are present. Based on the findings, the study presents a number of recommendations that the institution should consider going forward with a view to implementing the best practices in public participation.

OPSOMMING

Publieke deelname aan demokratiese prosesse is noodsaaklik vir die bevordering van demokrasie en ook 'n kritieke bestanddeel vir die bevordering van goeie bestuur en aanspreeklikheid. Sedert die demokratiese verkiesing in 1994 het dit vir die inwoners van Suid-Afrika uit alle rasse moontlik geword om hul stem in die prosesse en aktiwiteite van die Parlement te laat hoor. Die oorgang na demokrasie het 'n regering tot stand gebring wat demokraties verkies en wettig in die oë van die meerderheid burgers is, en het ook 'n demokraties verkose parlement wat die volk verteenwoordig, moontlik gemaak.

Die sterk fokus op menseregte en demokratiese beginsels wat in die Grondwet gevind is, was die grondslag vir die nuwe era van die Suid-Afrikaanse Parlement ná 1994. Die Grondwet bepaal dat die Nasionale Vergadering verkies word om die volk te verteenwoordig en om regering deur die mense onder die Grondwet te verseker. In hierdie opsig word die Parlement deur die Grondwet verplig om openbare deelname aan sy demokratiese prosesse te vergemaklik om te verseker dat die inwoners van Suid-Afrika georganiseerd geraadpleeg word oor spesifieke kwessies wat hul daaglikse lewe raak.

As 'n platform vir die oorweging van openbare kwessies het die parlement 'n aantal strategieë en meganismes ingestel om die deelname van die publiek aan sy prosesse te vergemaklik. Ondanks die geleenthede wat die parlement geskep het om die betrokkenheid van die publiek by sy prosesse aan te moedig, het die vorige navorsingstudies tot die gevolgtrekking gekom dat daar steeds leemtes of swak plekke was in die wyse waarop die parlement openbare deelname vergemaklik. Hierdie studie evalueer die strategieë wat deur die Parlement gebruik word om openbare deelname aan sy aktiwiteite te vergemaklik, om te bepaal of dit 'n bydrae lewer tot betekenisvolle deelname wat die uitkoms van die besluitnemingsprosesse verbeter. Om data in te samel, is twee navorsingstegnieke in hierdie studie gebruik, naamlik onderhoude en dokumentanalise.

In hierdie studie is bevind dat die Parlement daartoe verbind is om die betrokkenheid van die publiek by sy aktiwiteite aan te moedig, sodat openbare deelname as 'n strategiese prioriteit van die instelling aanvaar is. Uitdagings wat die instansie se vermoë om sinvolle openbare deelname te fasiliteer om die uitkoms van die

besluitnemingsprosesse te verbeter, kom egter voor. Op grond van die bevindings bied die studie 'n aantal aanbevelings wat die instelling vorentoe met die oog op die implementering van die beste praktyke vir openbare deelname moet oorweeg

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I dedicate this study to my two daughters, Khayone and Avethandwa: May you grow up and be inspired to also follow in the footsteps of your daddy and attain educational qualifications which open doors for the future. To my wife: I wish to thank you for your understanding and for giving me courage to work hard and complete my studies. There were times when I had to come home late due to the demands of studies, and you understood the importance of giving me the space to complete my academic work. To my friends and colleagues: I give you thanks for your support throughout this journey.

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LIST OF ACRONYMS

ATC	Announcements, Tabling's and Committee Reports
BRRR	Budgetary Review and Recommendation Report
CDWs	Community Development Workers
DBE	Department of Basic Education
IAP2	International Association for Public Participation
ISS	Institute for Security Studies
ICT	Information and Communication Technology
IPU	Inter-Parliamentary Union
M&E	Monitoring and Evaluation
MP	Member of Parliament
MPL	Member of Provincial Legislature
NA	National Assembly
NHI	National Health Insurance
NCOP	National Council of Provinces
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PCOs	Parliamentary Constituency Offices
PCS	Parliamentary Communication Services
PDOs	Parliamentary Democracy Offices
PEO	Public Education Office
PPF	Public Participation Framework
PPM	Public Participation Model
PWD	People with Disabilities

POs	Presiding Officers
RAF	Road Accident Fund
RIPAP	Report of the Independent Panel of Assessment of Parliament
RSA	Republic of South Africa
SALS	South African Legislative Sector
TPTP	Taking Parliament to the People
WC	Western Cape

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CHAPTER ONE

GENERAL INTRODUCTION

1.1 INTRODUCTION

This study focuses on assessment of public participation in the law-making and other activities of the Parliament of the Republic of South Africa (RSA). This chapter provides a background to, as well as a rationale and motivation for the study in order to put the research problem into proper context. The aims and objectives of the study, including the research questions, are provided. It has also been necessary to provide an overview of the research methodology and triangulation of data collection methods used in the study. The terms frequently used in the thesis are defined in order to elucidate their significance for the purpose of this study. This chapter concludes with a chronology of the chapters.

1.2 BACKGROUND AND CONTEXT OF THE STUDY

The vision of Parliament is to be “an activist and responsive people’s Parliament that improves the quality of life of South Africans and ensure enduring equality in society” (Parliament of the Republic of South Africa, 2016:9a). Embedded in this vision is the development of a legislative system which facilitates meaningful participation of all people, irrespective of their socio-economic conditions, educational level, race, gender, and language in ways that meaningfully influence their livelihoods. For this to take place, it is essential that Parliament is designed in such a manner that it is easily accessible and understood by ordinary people.

This study sets out to explore and review the concept of public participation as a democratic process deeply rooted in the Constitution for enhanced decision-making. In this regard, public participation could be defined as “a process that allows individuals within communities to positively contribute to the general good” (Madumo, 2014:131). In simple terms, public participation is a people-centred process mainly focusing on improving communication with the elected representatives. Furthermore, the system of participation should afford an opportunity for members of the public and key stakeholders to substantively influence the decision-making processes on matters that affect their lives.

Public participation in the law-making and other activities of Parliament is a constitutional imperative, and thus Parliament is bound to act in accordance with the constitution in facilitating public participation in its processes. To illustrate this point, Section 59 (1) and Section 72 (1) of the Constitution affirm the general rights of the public to participate in the law-making and other processes of Parliament and its committees. This is further strengthened by the Rules of the National Assembly (NA), specifically Rule 170 which states that “committees must ensure public involvement in their activities in accordance with the constitution and the rules” (Parliament of the Republic of South Africa, 2016:119b). Therefore, it can be argued that public participation in the activities of Parliament is not only a right but a legitimate obligation that should be practised. This obligation includes the duty to ensure that there is adequate participation of the public to inform the legislative processes, deliberations or budget processes that impact on the wellbeing of broader society.

Parliament has different strategies in place to encourage the public to participate in the law-making or other parliamentary processes through education and public outreach programmes, public hearings and information dissemination through social media and other similar platforms. The significance of these mechanisms is that they equip the public with knowledge to enable them to submit their input to the decision-making processes of Parliament which affect their lives. However, although these mechanisms are in place, they have certain limitations. Scott (2009:22) argues that “even though the public participation interventions are taking place across the country at regular intervals, effectiveness and efficiency are not necessarily the main aims of such activities”. These mechanisms are meant to serve as channels to increase interaction with the public, improve the elected representatives’ accessibility to the public and contribute to meaningful participation in the law-making and other activities of Parliament. The study attempts to show, through research and data that were gathered, that these mechanisms are not used optimally for enhanced decision-making.

The study argues that the need for meaningful public participation in the law-making and other processes of Parliament is a prerequisite for a participatory democracy as mentioned in sections 59, 72 and 118 of the Constitution. Meaningful public participation is mostly used to describe an ideal form of public participation. This

implies that public participation should be institutionalised and be systemic, instead of being implemented whenever the need arises. According to Tshoose (2015:19) “meaningful participatory processes must engage with and change power relationship”. This implies that meaningful public participation takes into account the importance of citizens’ input in building a Parliament that is responsive to the voice of the public. Simply providing the public with opportunities to express their views is insufficient. Sebola (2017:29) attests that “meaningful public participation takes place only if there is a continuous flow of information to the public which promotes interaction between legislators and the public”. Thus, Parliament ought to have a close relationship with the citizenry, and they should form an integral part of the institutional activities. This argument has been further strengthened in several landmark judgements of the Constitutional Court and of other courts of law. In the now famous case of the *Doctors for Life v Speaker of the National Assembly and Others* (2006), the court enforced Parliament’s constitutional obligation to facilitate public participation as enshrined in the Constitution. The court also found that “Parliament and the provincial legislatures have broad discretion to determine how best to fulfil their constitutional obligation for facilitating public involvement” (*Doctors for Life International v the Speaker of the National Assembly and Others* 2006: par 26). The failure by Parliament to ensure meaningful public participation in its processes therefore carries with it the right of the public, communities, civil society or interest groups to challenge the constitutional validity of the process or the adopted legislation. If it can be proven that Parliament failed to take reasonable steps to ensure meaningful public participation, the legislation may be declared unconstitutional by the Constitutional Court and referred back to Parliament for reconsideration.

Parliament’s work is grounded in public engagement and in ensuring that decisions that are taken and legislation passed are intrinsically tied to the public. Therefore, access to information is fundamental for public participation. Inadequate information about the work of Parliament and its processes deprive ordinary people of their constitutional right to express their views in the decision-making processes that has impact on their lives. Moreover, access to the content and documents of the institution is usually published through newspapers and social media platforms to which the majority of the citizens do not have access. An informed society plays an active role in matters that infringe on their rights, and also improve their ability to influence the

outcomes of the decision-making processes. Therefore, this study advocates that access to information contributes to meaningful public participation. More importantly, Section 32 of the Constitution states that “everyone has the right of access to any information held by the state, and any information held by another person, and that this is required for the exercise or protection of any rights”. This obligation requires willingness and commitment from Parliament to implement systems that will make information more accessible, especially to the disadvantaged members of society who are likely to have limited access to the media, or other means of communication. Therefore, Parliament as a platform for the consideration of public issues, should be at the forefront in promoting access to information. Inadequate access to information on issues that affect ordinary citizens not only hampers meaningful public participation; it may also be unconstitutional, as was decided in a number of Constitutional court cases that found laws unconstitutional.

Meaningful public participation goes beyond the process of communicating and consulting with ordinary members of the public prior to decision making. The South African Legislative Sector (SALS) Survey and Data Analysis Report (Parliament of the Republic of South Africa, 2012:7) suggests that “office bearers (Ministers, Secretary to Parliament, Speaker, and House Chairpersons) view public participation more as a process of consultation rather than as one of deliberation and power sharing”. This is further exacerbated by inadequate follow-up and feedback on recommendations and resolutions related to public participation processes by office bearers. Listening and providing feedback to those with the least opportunity to have their voices or inputs heard can contribute to building a Parliament that promotes democracy and good governance.

This study argues that meaningful public participation in the law-making and other processes of Parliament is fundamental to building a true democracy and eradicating inequalities in broader society. The study also argues that there are a number of shortcomings in the public participation systems, processes and practices of Parliament, partly due to lack of political commitment and poorly coordinated programmes meant to reinforce public participation. In support of this argument, the study shows that the elected representatives of the people do not necessarily consider public input to be more important than the mandate given to them by their political

parties in legislative or other processes of Parliament. The study also demonstrates that there is a need for more systemisation of public participation mechanisms to mitigate the disadvantages of the current practices to enhance decision-making processes.

1.3 MOTIVATION FOR THE RESEARCH TOPIC

Apart from having a personal interest in public participation in general, the researcher selected the topic because of the prominence it has in the functioning of Parliament. Having been an employee of Parliament for more than ten years, the researcher has been involved in most of the public participation processes of Parliament. The institution has established a number of public participation strategies and mechanisms since 1994, but the implementation of these mechanisms has been somewhat ineffective in promoting meaningful public participation in the law-making and other activities of Parliament and this is evidenced by the number of judgements that have ruled against Parliament's public participation processes. The aim of undertaking this study was to engage the relevant literature on the implementation of public participation in Parliament and to gather empirical evidence from those tasked with the duty to facilitate public participation to make informed findings and recommendations.

This study is not meant to replace other similar studies that have been undertaken on public participation in Parliament or the legislatures. The study focuses on the importance of access to information as an essential requirement for meaningful public participation, the logistical and procedural inadequacies in the implementation of public publication and feedback in the decision-making processes of Parliament. This study will also contribute to the body of knowledge on the subject of public participation within the context of Parliament.

Finally, the motivation for undertaking this study is to be of benefit and practical value to Parliament in the planning and implementation of its public participation mechanisms. This study could help Parliament to develop new strategies and approaches in the implementation of public participation in its activities. It is envisaged that the findings and recommendations of the study will assist Parliament to improve

the manner in which public participation is implemented in the law-making and other processes to enhance decision making.

1.4 RESEARCH PROBLEM STATEMENT

To enhance public involvement and participation forms part of the key strategic priorities of Parliament. This implies that public participation remains fundamental to the mandate of Parliament to ensure meaningful participation of the public and interested parties in the decisions that affect their lives. However, although ordinary people have been empowered with constitutional rights, socio-economic inequalities remain severe. Very often, it is the business sector and other components of the organised civil society that have access to information and resources required for knowing in advance which particular legislation is tabled before Parliament, and the processes required to participate fully in the public hearings. Unfortunately, the people who mostly need to make their voices heard in the decision-making processes of Parliament have difficulty in accessing information, let alone participate in the parliamentary processes.

Communication is of key importance in ensuring that those who are affected by the decision have an opportunity to participate in the law-making or policy decision processes. Sebola (2017:28) attests that “the distribution of information on public participation is not easy and continues to be a challenge in legislatures in other parts of the world”. The success of public participation is also influenced by the utilisation of effective communication tools to ensure the highest level of public involvement in the law-making and other processes of Parliament. This study argues that the communication tools used by Parliament to facilitate public participation are not used optimally to promote meaningful public participation. Exacerbating the situation, is the inability of Parliament to apportion sufficient time for the public to prepare their submissions on legislation or other important matters before parliamentary committees. The three weeks’ period that is usually given to the public to submit their input on legislation is not sufficient to enable people who are not well organised to respond and the research study attempts to prove this. Moreover, the logistical inadequacies such as chopping and changing of committee meeting dates, agendas and venues remain a concern and also contribute to the poor uptake of public

participation opportunities. At times, this also results in organisations and members of the public wasting resources. In most cases, civil society organisations turn to the courts to challenge the procedural inadequacies in the legislative processes of Parliament (ISS, 2011:03). Parliament therefore ought to have adequate processes and procedures for the roll-out of public participation interventions.

Section 44 (4) of the Constitution provides that Parliament, “when exercising its legislative authority, is bound only by the Constitution, and must act in accordance with it”. In this regard, all laws that are made and passed by Parliament must pass at all times the constitutional muster. However, according to the High Level Panel Report on Assessment of Key Legislation, “there has been a series of judgements by the Constitutional Court about the need for meaningful public participation in the legislative process of Parliament” (Parliament of the Republic of South Africa, 2017:40b). In the case of *Land Access Movement of South Africa & Others v the Chairperson of the NCOP and Others (CCT40/15)* (2016), the Constitutional Court unanimously found that “Parliament failed to facilitate adequate public participation as required by sections 72(1)(a) and 118(1)(a) of the Constitution before the Restitution of Land Rights Amendment Bill of 2014 was passed into law”. There are other similar examples of legislation that were passed by Parliament and had to be referred back for reconsideration, such as the Expropriation Bill (B 4D–2015), which was referred back to Parliament by the President on 17 February 2017. Announcements, Tabling’s and Committee Reports (ATC) No 17:2017, (Parliament of the Republic of South Africa, 2017c) due to the failure by Parliament to facilitate meaningful public participation.

Section 6 of the Constitution recognises 11 official languages of South Africa, all of which must enjoy equal use and treatment. Sebola (2017:29) also argues that “the legislatures are to be cautioned regarding the use of language and tools friendly to the public”. However, the language barrier still contributes in hindering meaningful participation of ordinary people in the activities of Parliament. The majority of Bills or relevant documents for discussion in Parliament are printed in English only, and this has an impact on the ordinary citizen’s ability to analyse and comment on them. In most of cases, parliamentary proceedings at committee level are conducted in English, and this hampers the ability of those who are not familiar with the language to fully participate in the activities of Parliament. The manner in which parliamentary

documents are phrased is important in encouraging meaningful public participation. Moreover, it is not sufficient for the people to receive information from Parliament, they must also be able to understand and make use of it. When it comes to making submission on legislation or similar matter of public interest, they need knowledge and understanding to do so. The over emphasis on the use of English in most of the parliamentary documents inhibits the ability of the public, particularly those who are poor to express their views in matters that affect their lives.

One of the indicators of a meaningful public participation process is when the voices of the public find expression and recognition in parliamentary decision-making processes. According to the Annual Report of Parliament (Parliament of the Republic of South Africa, 2017:32a), “one of the most serious criticisms of Parliament’s public participation processes was that they lacked feedback mechanisms and that previously identified issues were hardly reviewed”. In addition, the general discontent from civil society organisations and the public against parliamentary processes are clear indications that the intended mechanisms are not being utilised optimally to facilitate meaningful public participation that enhances decision making.

1.5 AIMS AND OBJECTIVES OF THE STUDY AND RESEARCH QUESTIONS

1.5.1 Aims of the study

The main aim of the study was to explore the concept of public participation and how it is implemented in the law-making and other processes of Parliament. The study specifically assesses the contribution of the public participation mechanisms used by Parliament in its activities and develops recommendations on how these can be improved to fulfil their Constitutional responsibilities regarding participation as well as enhance decision making.

1.5.2 Objectives of the study

The primary objective of the study was to define the concept of public participation and how it is implemented in the activities of Parliament.

The following objectives were identified:

- To define and analyse public participation within the context of Parliament.

- To review literature on public participation and provide a clear and balanced picture of the current leading concepts, theories and data relevant to the topic of the study;
- To explore the challenges of public participation in Parliament and provide an overview of the strategies and mechanisms used by Parliament to facilitate public participation, and the legislative framework on public participation. This included the policies, rules and regulations, and legislation guiding the implementation of public participation, particularly in the activities of Parliament;
- Finally, the main objective of the study was to look at best practices and strategies for public participation and put forward recommendations for achieving meaningful public participation in the legislative and in other processes of Parliament to enhance decision making.

1.5.3 Research questions

The researcher based the research question of this study on the constitutional obligation that Parliament has to facilitate public participation in law-making and other processes. Section 59 (1) and Section 72 (1) of the Constitution place a legal obligation on Parliament “to facilitate public involvement in the law-making and other processes Parliament and its committees”.

The primary question can however be stated as: *To what extent are the mechanisms used by Parliament in its law-making and other activities contribute to meaningful public participation to enhance decision making?*

Secondary questions which arose from the above question include the following:

- What are the principles and values underpinning public participation in Parliament?
- What are the structures, mechanisms and processes used by Parliament to promote public participation in its activities?
- What are the institutional arrangements for public participation in Parliament?
- What are the monitoring and evaluation instruments used by Parliament to measure the effectiveness and efficiency of public participation? and

- What are the main challenges of public participation in the activities of Parliament?

1.6 OVERVIEW OF THE RESEARCH DESIGN AND METHODOLOGY

1.6.1 Research design

Taking into consideration that the study is about public participation in Parliament, particularly centred on the mechanisms and strategies used to facilitate public participation; a case study design was chosen. According to Babbie and Mouton (2018:281), a case study is “an intensive investigation of a single unit”. The study fits well with the case study design as it seeks to explore the challenges of public participation in Parliament and assess whether the mechanisms used by Parliament contribute to meaningful public participation.

The study can be classified as empirical and non-empirical. According to Mouton (2001:57) “empirical studies are experimental rather than theoretical, whereas non-empirical studies are based on theory”. The study makes use of primary data collected through the use of interviews, as well secondary data gathered through an analysis of existing documentary sources.

A qualitative research design was used for this study which relied on description and thorough understanding of the field of study, as well as on obtaining a perspective through participant observation (Welman & Kruger, 2001:184). The use of qualitative approach assisted the researcher in assessing how people think, and what their ideas, perceptions on the concept of public participation in the law-making and other processes of Parliament are.

The study can be also characterised as being a textual, hybrid data, medium-controlled study (Mouton, 2001:46). In terms of being textual, much of the information was collected from documentary sources (scholarly articles, journals, academic books, reports, policies, court judgements and other official parliamentary documents). The study can be classified as being medium-controlled since the researcher had a fair degree of control over the research process. The study is based on hybrid data since the existing documented information and new data that were gathered were combined to present findings, proposals and a conclusion.

1.6.2 Data collection methods

The general principle for undertaking any research study is to collecting data from multiple sources of information. In this respect, Bless, Higson-Smith and Sithole (2013:189) point out that “there are numerous ways through which a researcher can collect data, the common means being focus group discussions, interviews and questionnaires”. The choice of method for this study was based on triangulation of two data collection methods:

1.6.2.1 Document analysis

The usage of secondary data specifically for this study derives from the document analysis of literature on public participation. Document analysis was undertaken to gain an understanding of the concept of public participation and its prominence in activities of Parliament. The researcher made analysis of written sources of data which included the Constitution, official parliamentary documents, academic books and journals, newspaper articles, research reports and legislation or policies relating to public participation but was not limited to this.

1.6.2.2 Self-reporting

Interviews were used to obtain data from the respondents given the qualitative nature of the study. A semi-structured questionnaire was distributed to the respondents in the study.

The study utilised structured interviews during which participants were asked predetermined questions included in a semi-structured questionnaire. The interviews were targeted at the officials involved in the implementation of public participation in Parliament.

1.6.3 Sampling techniques

Given the qualitative nature of the study, purposive sampling was the most suitable sampling technique. According to Babbie (2014:510), “purposive sampling is a type of non-probability sampling in which participants are selected on the basis of their knowledge of the subject”. The use of this sampling technique assisted in gathering the necessary information for the study. Given the nature of Parliament as a legislative

environment, a specific group of persons was targeted for participation in the interviews.

The study was specifically targeted at senior managers and officials dealing with public participation in Parliament. A total of 10 participants were selected to participate in the interviews of the study. Given that the study focused on exploring the challenges of public participation and strategies used by Parliament to facilitate public participation, only those involved in this type of work were suitable for the sample. The other criteria used for selecting the participants in this study involved their experience, knowledge and expertise in the field of public participation.

1.6.4 Data analysis and interpretation

According to Mouton (2001:108), “data analysis involves the breaking up of data into manageable themes, patterns, trends and relationships”. Given the qualitative nature of the study, the researcher used content analysis as the main data analysis technique. According to Babbie and Mouton (2018:491), content analysis “examines words or phrases within a wide range of texts, including books, book chapters, essays, interviews and speeches as well as informal conversation and headlines”. Content analysis was used during the literature review and analysing of documentary sources. Content analysis also played an important role in analysing data obtained from the interviews.

1.7 DEFINITION OF KEY TERMS

The definition of the key concepts that are associated with the study is presented below:

Oversight: “a process of holding members of the cabinet accountable to Parliament for the exercise of their powers and the performance of their functions as envisaged in section 92 of the Constitution” (Parliament of the Republic of South Africa, 2016:14a). Oversight also refers to “the proactive interaction initiated by a legislature with the Executive and administrative organs that encourage compliance with the constitutional obligation on the Executive and administration to ensure the delivery on agreed-to objectives for the achievement of government priorities” (Parliament of the Republic of South Africa, 2016:4a). Therefore, oversight is a continuous process of overseeing government’s activities against predetermined objectives.

Parliament: consists of “the National Assembly (NA) and the National Council of Provinces (NCOP)” as referred to in section 42 (1) of the Constitution. Parliament represents the people in ensuring government by the people under the Constitution. Parliament is also defined as “the central institution of democracy that embodies the will of the people in government, and that carries their expectations that democracy will be truly responsive to their needs and will help solve the most pressing problems that confront them in their daily lives” (Inter-Parliamentary Union [IPU], 2006:6).

Public participation: is a process by which Parliament consults with the people before decisions are made. Creighton (2005:7) states that “public participation is a two-way communication and collaborative activity through which the people’s concerns, needs, and values are acknowledged and integrated into the governmental decision making”. The Public Participation Framework (PPF) (Parliament of the Republic of South Africa, 2013:07) defines public participation as “the process by which Parliament and Provincial Legislatures consult with the people and interested or affected individuals, organisation and government entities before making a decision. In essence, public participation gives the public a platform to express their preferences to decision makers on matters that affect their lives”.

National Assembly: according to section 42 (3) of the Constitution, “the National Assembly is elected to represent the people and to ensure government by the people under the Constitution”. The National Assembly also chooses the President and provides a national forum for the consideration of issues. This House also passes laws, oversees Executive action and provides a forum where the representatives of the people can publicly debate issues.

National Council of Provinces: section 42 (4) of the Constitution states that “the National Council of Provinces (NCOP) represents the provinces and ensures that provincial interests are taken into account in the national sphere of government”. In simple terms, the NCOP is responsible in Parliament for all matters that affect provinces.

1.8 FRAMEWORK OF CHAPTERS

Chapter 1 is the introductory chapter which provides an overview of the overall study and describes the choice of the theoretical framework adopted in the study. It comprises the background to, and rationale and motivation for the study, the problem statement, aims and objectives of the study. An overview of the research design and methodology for the applied in study is highlighted in this chapter.

Chapter 2 presents the literature review. It presents an analysis of public participation in detail and the importance, significance, goals and conditions needed to effect public participation. This chapter moreover explains the theories, leading concepts and scholarly materials on which public participation is based. Also included in this chapter is a brief overview of selected international examples on the implementation of public participation in developed and developing countries.

Chapter 3 focuses on public participation in the context of the Parliament of the Republic of South Africa. An overview of the public participation strategies that are utilised by Parliament is provided in this chapter. The legislative and policy framework for public participation is included in this chapter, as well an overview of the rules of Parliament and frameworks pertaining to public participation.

Chapter 4 explains the research design and methodology applied in the study. The presentation of the data as it relates to the interviews undertaken in the study is presented in this chapter.

Chapter 5 provides the findings of the study as related to the interviews and document analysis.

Chapter 6 concludes with an overview of the main conclusions reached in the study linked with the literature review and the stated methodology. Finally, recommendations for meaningful public participation are presented in this chapter.

1.9 SUMMARY

This chapter provided an explanation of the background and context of the study by briefly presenting an overview of the concept of public participation and its founding principles as enshrined in the Constitution. The background placed more emphasis on the importance of public participation in the law-making and other activities of

Parliament. It further illustrated that Parliament has an important role in promoting and facilitating meaningful public participation through various mechanisms aimed at reaching out to those who are most affected by decisions made by the institution

This chapter presented an overview of the problem statement associated with the study. This statement elaborated on the shortcomings of public participation in the law-making and other activities of Parliament. It elaborated on the need for the study in order to develop proposals that may be useful to Parliament to ensure meaningful public participation that enhances the decision-making processes of Parliament.

The aims and objectives of the study, including the research questions, have been alluded to in this chapter. The rationale for the researcher to undertake this study is elaborated under the objectives of the study. This chapter has presented an overview of the research design and methodology employed in the study. A qualitative research design was selected to undertake the study and an overview of the data collection methods selected for the study, including a description of the sampling techniques that were used for the study are provided.

The definition of the key theoretical concepts that were used for the study has also been included in this chapter. The next chapter makes specific reference to the review of literature on the concept of public participation. The review of literature is applied to a detailed analysis of the concept of public participation and elaborates on the international models of public participation.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

Chapter 1 introduced and stated the background, the motivation for the study, research questions and the objectives of the study, and presented an overview of the research design and methodology. In this chapter, the literature relating to public participation is reviewed and analysed in order to provide a basis for conducting the study. The chapter begins by unpacking the definition of public participation and the different interpretations associated with the concept. The rationale for public participation as a cornerstone of democracy and an essential element of participatory governance is described, including the goals, objectives and possible benefits. The principles, core values and typologies of public participation are provided, and the international gatherings which developed declarations on the concept of public participation are discussed. A number of publications such as textbooks and recognised journals were utilised as part of the review of literature on the topic of public participation. The next section presents the different definitions of the concept of public participation.

2.2 PUBLIC PARTICIPATION DEFINED

Public participation is the prominent feature of discussion in this study and it is necessary to define this concept. In terms of literature, there are several definitions of public participation by different authors/scholars, as such, having a common definition of the concept is difficult. In support of this statement, Swanepoel and De Beer (2011:50) argue that “public participation is an elusive concept that acts as an umbrella term for a new style of development planning often referred to as intervention, facilitation or enablement in the community debate”. According to Theron and Mchunu (2014:10), “this is positive because meanings should not serve as blueprints but should be dealt with as part of a social learning process”. The common argument among the different scholars is that public participation has different meanings attached to it, given the particular context. Despite the numerous definitions from various scholars, public participation is defined in basic terms as “a process that allows individuals within communities to contribute positively to the general good” (Madumo,

2014:132). The International Association for Public Participation (IAP2) (2002) defines public participation as “the process by which an organisation consults with interested or affected individuals and government entities before making a decision”. In essence, public participation provides an opportunity to those who are affected by a decision to make their voices heard.

Creighton (2005:7) defines public participation as “the process by which public concerns, needs and values are incorporated into governmental decision making, a two-way communication and interaction process with the overall goal of better decision making supported by the public”. Nzimakwe (2012:503) emphasises the point that, compared to consultation, “public participation is a two-way process which provides more scope for the public to influence decisions”. This view affirms that public participation is meant to enhance the outcomes of the decision-making processes, taking into account the fundamental principles of a participatory democracy.

Public participation involves the co-operation between the organs of the state and the public in the quest for inclusion of the needs of the people. Pearce (2010:232) identifies two types of public participation, namely “direct citizen participation and participation through associations”. Direct citizen participation pertains to an activity by which members of the public participate in decision-making processes in their individual capacity, such as submitting a submission on advertised legislation before a parliamentary committee. Participation through associations indicates a collective participation, with an individual being selected to represent the submission of that particular organisation. This is common in civil society organisations where a prominent person is elected to present the views of that organisation in the policy-making or legislative processes of Parliament.

Public participation is aimed at problem solving and reaching common ground. In this regard, Bishop and Davis (2002:16) concur that participation can only occur in the presence of the people. Therefore, the people, as the contributors to agenda setting, play a significant role in shaping the outcomes of the decision-making processes. Public participation is undertaken to assess different opinions and expertise on matters before the decision makers. Constitutional democracies are expected to consult on matters that have the possibility of infringing on human rights. This is meant to avoid

the unilateral approach to the system of governance, which essentially does not promote human rights.

There are other scholars of public administration who question the importance of public participation in enhancing decision making. According to Heywood (2007:74), “public participation tends to establish the potential for conflict and often becomes a tedious process because of cumbersome governmental processes”. The procedural inadequacies in public participation processes often contribute to the discontent of the public about the whole process. According to Tshoose (2015:17) “not all engagement between the state and the people is meant to be meaningful”. This implies that other participatory processes are undertaken for purposes of compliance, whilst all decisions in reality have already been taken.

Nzimakwe (2012:139) states that “public participation is a key tool in formulating policies and programmes that govern the country”. This implies that public participation is a critical ingredient of democracy, which, when utilised meaningfully, can contribute to shape government policies. Therefore, it is essential for the participants to have some level of impact or influence on the decision-making processes, especially in matters that impact on their lives. In support of this argument, Creighton (2005:19) notes that “it is much more likely for the community to accept a policy or legislation to which they have significantly contributed throughout the process of its establishment”. Public participation therefore is a fundamental element in achieving citizen power.

Madumo (2014:130) remarks that “public participation, as an important feature of democracy, is an important element of governance which, when utilised, results in optimum service delivery to the community”. Therefore, public participation is not merely limited to issues pertaining to service delivery only. However, it offers the public an opportunity to ensure that the government is accountable for its activities and acts within the parameters of law in policy making.

Public participation is a much broader issue than the involvement of the public in the decision-making processes. This notion is supported by Maphazi *et al* (2013:58), who states that “public participation sets the scene for decision making and continues during the decision-making processes and beyond into the implementation, monitoring and evaluation phases”. Thus, the value chain of public participation commences before a decision is taken, and also continues well beyond it.

2.2.1 Rationale for public participation

A question can be asked as to why is so much emphasis placed on public participation and what is its relevance worldwide and in the South African context? Public participation offers an opportunity for the exchange of ideas between decision-makers and the public in the process of making a decision. According to Maphazi *et al.* (2013:60) “public participation extends beyond legislative compliance and ensures that people are able to influence activities that will affect them; such participation also helps to build capacity and contributes to empowerment”. In other words, through public participation, people are able to contribute to the decisions that affect their livelihoods and shape their future.

“Public participation creates a new direct link between the public and the decision makers in a bureaucracy. From the perspective of the public, public participation increases their influence on the decisions that affect their lives. From the perspective of government officials, public participation provides a means by which contentious issues can be resolved. It is a way of ensuring genuine interaction and a way of reassuring the public that all viewpoints are being considered” (Creighton, 2005:17).

Davids (2005:12) maintains that “the key factor in preserving democratic practice may be participation. Participation rates, at least through legal channels, are one of the indicators of the legitimacy of a state or system. As long as people consider it worth their time to participate, they are assumed to have some level of efficacy, that is, belief that participation matters and that they still consider the system legitimate”.

Public participation is a fundamental element for good governance and promoting accountability in a democratic state. The role of public participation in facilitating the interaction between members of the public, on the one hand, and decision makers on the other, shows that it should be encouraged and preserved to promote good governance and democracy. This becomes more apparent when considering the role of public participation in democratising and controlling the making and implementation of policy, promoting responsiveness to public needs, facilitating the processes of policy implantation and community development (Masango, 2009:63).

According to Pope (2000:47), “an informed citizenry, aware of its rights and asserting them confidently, is a vital foundation for a national integrity system”. To the contrary, “an apathetic, passive public, not interested in taking part in governance or in enforcing

accountability, provides an ideal breeding ground for corruption, fraud and mismanagement resulting in poor corporate governance” (Maphazi *et al.* 2013:61). This confirms the importance of public participation in the democratic processes of governance.

2.2.2 Goals, objectives and benefits of public participation

Public participation safeguards democracy and encourages accountability and responsiveness to the public’s input in the decision-making process. Scott (2009:33) states that “public participation is a way of ensuring that those who make the decisions that affect people’s lives enter into dialogue with the public before making those decisions”. Other scholars who have written on public administration have provided more detail with respect to the goals, objectives and benefits of public participation, which are briefly listed below:

According to Leatherman and Howell (2000:2), the goals and objectives of public participation can be classified under six categories, namely:

- “To further democratic values by ensuring the interests of the majority of citizens are at the forefront of local government decision-making;
- To achieve planning that is more attuned to the needs of different groups by recognising the diversity within the local community;
- To educate the non-participating public by reaching out to them;
- To bring about social change by enacting policy that ensures equal access to services and opportunities across the spectrum of the local population;
- To recruit support, obtain legitimacy and avoid opposition by including citizen’s groups and stakeholders in some aspects of the decision-making processes; and
- To promote a particular perspective or bring about change in the political order by informing like-minded citizens of opportunities for involvement”.

Creighton (2005:18-19) lists the following benefits of public participation:

- “Improved quality of decisions;
- Minimized cost and delay;
- Increased ease of implementation;

- Avoiding worst-case confrontations;
- Maintaining credibility and legitimacy;
- Anticipating public concerns and attitudes; and
- Developing civil society”.

Creighton (2005:20) also maintains that “the involvement of the public not only frequently produces decisions that are responsive to public values and are substantively robust, but it also helps to resolve conflict, build trust, and educate and inform the public about the environment”. Simply put, public participation is an essential part of human growth, and it allows people to learn to take charge of their own lives and solve their own problems in pursuit of development. Theron, Ceaser and Davids (2007:2) maintain that “public participation has two main benefits for the democratic policy-making process, namely participation leads to better policy outcomes; and participation assists the public in developing the capacity for improving their lives”. In support of this sentiment, Masango (2002:55) maintains that “taking the input of the public into account during the processes of policy making and implementation is important since it contributes towards combating dictatorship and promotes good governance”.

Public participation enables citizens to be informed and involved in the decision-making processes of government. Maphazi *et al.* (2013:60) state that “public participation in policy making and implementation serve as a control mechanism to limit the abuse of authority”. De Villiers (2001:135) also earlier stated that “by engaging with governments on issues that affect their lives, the public is brought into the mainstream and acquires skills, knowledge and capacity”. In other words, public participation offers a platform for the public to voice their concerns, identify gaps so as to reach consensus on the way forward for decision makers to respond to their needs. It also facilitates the flow of information between the public and elected representatives to promote accountability. The next section provides a brief description of the typologies and modes of public participation.

2.2.3 Typologies and modes of public participation

Public participation is applied and utilised differently throughout the world, but the context in which it is applied is what matters most. Theron (2009,117) supports this notion by adding that researchers such as Arnstein (1969), Oakley and Marsden (1984) and Pretty Guijit Scoones and Thompson (1995) developed levels, modes and typologies of public participation as guidance for the conceptualisation and practice of public participation. The guidelines are not restrictive; instead they were developed to provide the best fit approach for the implementation of public participation in different contexts. Pretty *et al.* (1995) proposed seven typologies to demonstrate different conceptions with regard to public participation. These typologies are:

- **Passive participation.** Here participation relates to a unilateral top-down announcement by the authorities. In this stage, the authority makes the decision unilaterally, and the public is only informed when a decision is already made.
- **Participation in information giving.** Here, people participate in answering questions contained in questionnaires. The public does not have the opportunity to influence proceedings as the findings of the research are neither shared nor evaluated for accuracy.
- **Participation by consultation.** Here people participate by being consulted by professionals. The disadvantage with this typology is that professionals define both problems and solutions and may modify these in light of people's responses. Most worryingly, this process does not include any sharing in decision making by the public, nor are the professionals under any obligation to consider the public's views.
- **Participation for material incentives.** Here people participate by providing resources such as labour in return for food or cash.
- **Functional participation.** Here people participate in a group context to meet predetermined objectives related to the project. This type of involvement tends not to occur during the early stages of project cycles or planning, but rather once the important decisions have already been made.
- **Interactive participation.** People participate in a joint analysis, the development of action plans and capacity building. Here participation is seen as a right, not just as a means to achieve project goals.

- **Self-mobilisation.** People participate by taking initiatives independently from external institutions to change systems. This bottom-up approach allows the public to develop contact with external institutions for resources and the technical advice they need, though the people retain control over how resources are used.

The IAP2 has also developed a Public Participation Spectrum that was designed to assist in the selection of the level of participation that defines the public role in any public participation process (see the below figure).

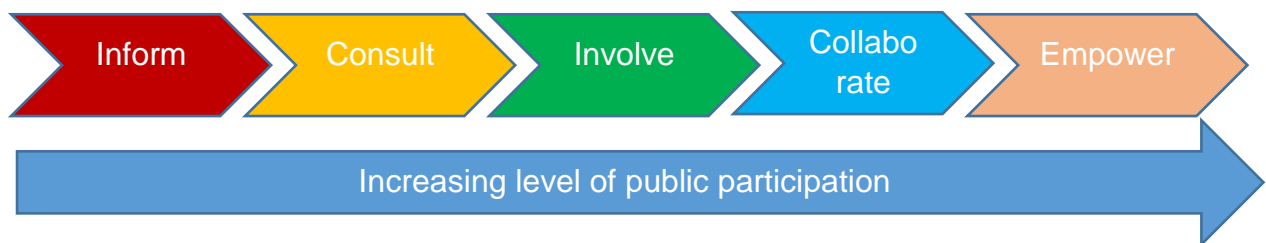


Figure 2.1: IAP2's Spectrum of Public Participation

Source: IAP2 (2013)

The afore-mentioned Spectrum has five different levels, namely:

- **Inform.** The first level of public participation is to provide the public with balanced and objective information to assist them in understanding the problems, alternatives and solutions.
- **Consult.** The second level of public participation is to obtain public feedback on analysis, alternatives and/or decisions.
- **Involve.** The third level of public participation is to work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.
- **Collaborate.** The fourth level of public participation is to partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.
- **Empower.** The fifth level of public participation is to place final decision making in the hands of the public.

In addition to the seven typologies developed by Pretty *et al.* (1995), Oakley and Marsden (in Oakley, 1991:6) developed four modes of public participation. The four modes of public participation are as follows:

- **Anti-participatory mode.** Public participation is considered a voluntary contribution by the public to a programme or project which will lead to development. More often, however, the public is not expected to take part in shaping the programme / project content and outcomes.
- **Manipulation mode.** Public participation includes public involvement in decision-making processes, implementing programmes / projects, evaluating such programmes / projects and sharing in the benefits.
- **Incremental mode.** Public participation is concerned with organised efforts to increase control over resources and regulative institutions in given social situations for groups or movements excluded from such control.
- **Authentic public participation.** Public participation is an active process during which the public influences the direction and execution of a programme / project with a view to enhancing their well-being in terms of income, personal growth, self-reliance, or other values which they cherish.

The categories of participation were formulated when Arnstein (1969) developed eight levels on the ladder of participation as depicted in the figure below.

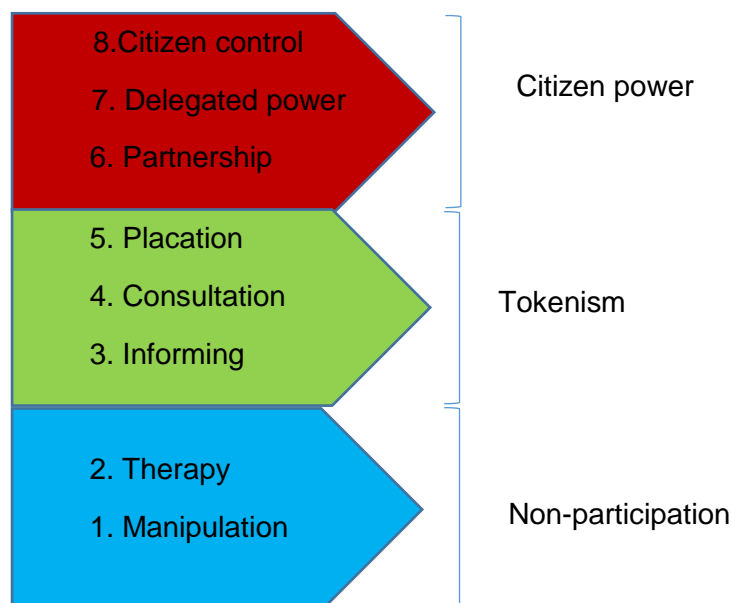


Figure 2.2: Arnstein's Ladder of Participation

Source: Arnstein (1969: 216)

Seven of the levels overlap with Oakley and Marsden's (1991) modes of public participation and the typologies of Pretty *et al.* (1995), as discussed above. Although the ladder was originally designed to describe a wider form of participation processes, it can still be applied within the context of this study.

The levels of participation are described in the following section:

Non-participation

The first phase of the process in the ladder of participation consists of (1) Manipulation and (2) Therapy. These two steps describe the levels of non-participation which have been described by some as a substitute for genuine participation. According to Madumo (2014:133), "non-participation occurs as the opposite for participation, where the people are not afforded the luxury to express their views and ideas on issues that are of concern to them". The real objective at this level is to enable the decision makers to have control over the participation process. Arnstein (2003:248) maintains that "manipulation is an important element of non-participation and consequently is mostly evident in assemblies where the officials or decision makers tend to educate, persuade and ultimately advise the citizens and not the other way round". This form of participation is not empowering those who are affected by the decisions that affect their livelihoods. This notion is supported by Madumo (2014:133) who maintains that "the process of manipulation follows a top-down approach, where the few elites make decisions for all the citizens and on their behalf without due consideration of their views and input". Consequently, citizens lose interest in participating in such situations, given that they have little control over the process of participation, and it is unlikely that their views can be considered at this stage.

Tokenism

Tokenism consists of three steps: (3) informing, (4) consultation and (5) placation. In the tokenism phase an institution establishes a platform or opportunity for consulting with the people, but is in control of the agenda of such an engagement. The citizens in this phase are afforded an opportunity to express their views on the subject under discussion, but lack the power to ensure that their views will influence the outcome of the decision-making processes.

Madumo (2014:134) asserts that “placation serves as a distinguishing factor of tokenism”. Placation is a higher level of tokenism, given that the public or citizens are allowed to advise decision makers, yet the right to consider or reject the input of the public is retained by those in power. In the context of state organs, the law allows for the public to be consulted on matters that concern their well-being, but the policy makers have a duty to decide on what is best for the public.

Citizen power

Further up the ladder are levels of citizen power which comprise of (6) partnership, (7) delegated power and (8) citizen control. The main characteristic of citizen power is the distribution of power in the public participation value chain. According to Madumo (2014:133) this “power is distributed through a process of negotiation, and it is mainly identified by the compromise made by the decision makers in an attempt to achieve an agreement on the issues of common interest”. In this phase, decision makers understand the significant role of citizens in the participation process and attempt to find balance and some level of common understanding between the issues raised by citizens and what they plan to achieve. Creighton (2005:19) agrees with this sentiment and adds that “consensus building is important in public participation, because it creates a concrete understanding between the parties involved, and this leads to improved decision making”. In other words, the outcome of the decision-making process should reflect the views expressed by the public. Ultimately, citizen power is in line with the core values of the IAP (2002), which help to make better decisions that reflect the interests and concerns of potentially affected people. According to Heywood (2007:72), “citizen power can be related to the 1864 address by Abraham Lincoln, which simplified the concept of democracy as the government of the people, by the people and for the people”.

Citizen power is interlinked with democracy. Madumo (2014:134) states that “the control and influence of the decisions by the citizens could be viewed as an important component of democracy”. This view is supported by Creighton (2005:14) who earlier added that “participation is also contained in representative democracy where the people elect public representatives to represent them and subsequently hold them to account for the decisions made on their behalf”. This affirms the sentiment that government or public institutions need to take into account the views of the people in

its policy and other decision-making processes. According to Bishop and Davis (2002:16), “public participation is regarded as being meaningful when the inputs of citizens are fully implemented”.

Similarities can be deduced when comparing the ladder, typologies and modes of public participation. In actuality, Oakley and Marsden’s (1991) anti-participatory mode can be linked with Pretty *et al.*’s (1995) passive participation and the manipulation level of Arnstein (1969). Pretty *et al.*’s (1995) functional participation and participation in information giving is intrinsically linked with Oakley and Marsden’s (1991) manipulation mode and Arnstein’s (1969) placation, consultation, informing and therapy. Arnstein’s (1969) delegated power can be compared with Oakley and Marsden’s (1991) incremental mode and Pretty *et al.*’s (1995) interactive participation. Lastly, the public control and partnership of Arnstein (1969) and Pretty, *et al.*’s (1995) self-mobilisation can be compared to Oakley and Marsden’s (1991) authentic participation.

2.3 INTERNATIONAL DECLARATIONS ON PUBLIC PARTICIPATION

The concept of public participation is increasing worldwide and is encouraged by international and regional agreements between countries, which mostly oblige governments to take steps to improve transparency, participation and accountability. The selected international declarations are discussed below.

2.3.1 The Manila Declaration on People’s Participation and Sustainable Development

The Manila Declaration of 1989 was an outcome of the Inter-Regional Consultation on People’s Participation in Environmental Sustainable Development held in Manila, the Philippines, in 1989, where participants shared the common concern that the results of current development practice are not just, sustainable or inclusive (Davids, Theron & Maphunye, 2005:203-206).

According to Theron (2009:113), “the Manila Declaration of 1989 formulates four public participation principles, which are also echoed in the African Charter for Popular Participation in Development and Transformation (1990), as basic to people-centre development”, namely:

- “Sovereignty resides with the people, the real actors of positive change.
- The legitimate role of government is to enable the people to set and pursue their own agenda.
- To exercise their sovereignty and assume responsibility for the development of themselves and their communities, the people should control their own resources, have access to relevant information and have the means to hold the officials of government accountable.
- Those who would assist the people with their development should recognise that it is they who are participating in support of the people’s agenda, not the reverse. The value of the outsiders’ contribution will be measured in terms of the enhanced capacity of the people to determine their own future”.

The above idealistic principles are echoed in the African Charter for Popular Participation in Development and Transformation (1990), which is discussed next.

2.3.2 The African Charter for Popular Participation in Development and Transformation

The African Charter for Popular Participation in Development and Transformation was adopted at the ‘International Conference on Popular Participation in the Recovery and Development Process in Africa’ held in Arusha, Tanzania from 12 to 16 February 1990. This was a rare collaborative effort between the African People’s Organisations, the African Governments and the United Nations Agencies. According to Davids *et al* (2009:215) “the aim of the conference was to search for a collective understanding of the role of popular participation in the development and transformation of the region”. The conference also provided an opportunity for delegates to articulate and give renewed focus to the concepts of democratic development, people’s solidarity, creativity and self-reliance, and to formulate policy recommendations for national governments, popular processes and patterns of developments (Theron & Mchunu, 2014:22).

According to Davids *et al.* (2009: 215), the objectives of the conference were to:

- “Recognise the role of people’s participation in Africa’s recovery and development efforts;
- Sensitise national governments and the international community to the dimensions, dynamics, process and potential of a development approach rooted in popular initiatives and self-reliance efforts;
- Identify obstacles to people’s participation in development and define appropriate approaches for the promotion of popular participation in policy formulation, planning, implementation, monitoring and evaluation of development programmes;
- Propose indicators for the monitoring of progress in facilitating people’s participation in Africa’s development; and
- To facilitate the exchange of information, experience and knowledge for mutual support among people and their organisations”.

The conference took place during the era of the apartheid government in South Africa, which did not prioritise the importance of public participation in decision-making process that impact on ordinary citizens. Post 1994, the democratically elected government brought fundamental changes meant to promote democracy and good governance. These changes were underpinned by the promulgation of the Constitution which laid the basis for public participation in the legislative sector.

2.3.3 Core values for the practice of public participation formulated by the International Association for Public Participation (IAP) (2002)

The International Association for Public Participation (IAP, 2002) formulated the seven core values of public participation that are confined by global declaration and policy statements. According to Bradshaw and Burger (2005:48), “the IAP2 calls for extensive public participation in the form of interactive decision making in public disputes, linking public participation to conflict management”. Theron (2005:113) holds the view that “the public participation process should adhere to and apply the seven principles and core values developed by the IAP2”.

The IAP2 has contributed to the practice of public participation by offering seven core values that practitioners and change agents should expect of the process intended to make the public more effective partners in official policy making (Theron, Ceaser & Davids, 2007:8). Furthermore, Theron *et al.* (2007:8) argue that “the participation spectrum described by the IAP2 might help practitioners and change agents to begin to dismiss some of the prevailing confusion and disagreements over the meaning and practical implications of public participation”.

The seven core values for the practice of public participation as formulated by the International Association for Public Participation (IAP2, 2002) are as follows:

1. “Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public’s contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers
4. Public participation seeks input from participants in designing how they participate.
5. Public participation provides participants with the information they need to participate in a meaningful way.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision”.

2.4 SELECTED INTERNATIONAL EXAMPLES

A review of trends and developments in the international arena suggests that public participation has become the focal point of many democracies around the world. However, there are limitations to the right to participate in processes of governance in some of the older established democracies, such as Germany and Denmark.

2.4.1 The example of Scotland

The Scottish Parliament proclaimed that “this Parliament was elected on a promise: that policy-making would be more open, participative and consultative. That is what the people of Scotland expect of us. Our success in meeting the promise of openness and accessibility will be a litmus test of our achievement of the wider aspiration of devolution” (De Villiers, 2001:115).

This statement by the Scottish Parliament promotes the true values of a responsive and accountable legislature that seeks to encourage meaningful public participation in its processes. The statement reiterates the commitment by the Scottish Parliament to prioritise public participation as an essential ingredient to democracy. It also seeks to promote the culture of openness and transparency into the Scottish Parliament’s processes.

2.4.2 The example of Denmark and Germany

De Villiers (2001:116) states that “the rules that govern legislatures in older established democracies allow them to determine the extent of public access”. For example, section 49 of the Danish Constitution provides that the sitting of the Parliament shall be open to the public. Provided that the President or such number of members as may be provided for by the Rules of Procedure, or a Minister shall be entitled to demand the removal of all unauthorised persons, whereupon it shall be decided without debate whether the matter shall be debated at a public or secret sitting. Similarly, in Germany, the House of Representative has the discretion to exclude the public. According to Article 42 of the German Constitution; upon a motion of one tenth of its members, or upon a motion of the Government, the public may be excluded by a two-thirds majority. The decision on the motion is taken at a meeting not open to the public. De Villiers (2001:116) supports this by stating that “The Danish and German constitutions place no obligation on the legislature and its elected members to facilitate public involvement or to consider and canvass public input and views from interested parties”.

The South African Constitution offers the public a commitment to an open and democratic form of governance. Over and above people’s right to exercise an elective option for choosing their representatives, they have a right to exercise influence over all decisions made by Parliament. According to De Villiers (2001:117), “the implication

is that legislatures in countries like South Africa and Uganda have a constitutional obligation to facilitate public participation, whereas legislatures that are governed by older constitutional and political arrangements have greater sovereignty". It can be deduced that public participation in Germany and Denmark is not a constitutional obligation and the legislatures have discretion over the scope of the public's involvement in their activities. In essence, public participation in these older established democracies can be exclusionary.

2.4.3 The Ugandan example

Public participation in the Ugandan legislature is a constitutional obligation, as stated by De Villiers (2001:117). According to Article 38 (2) of the Ugandan Constitution "every Ugandan has the right to participate in peaceful activities to influence policies of government through civic organisations". Hyden and Venter (2001:63) state that "it is quite clear that the people as a whole played the leading role in Uganda's constitution-making process as they demanded a new constitution, suggested the agenda, presented their viewpoints, elected the Constituent Assembly delegates, and continued to exert pressure on them to keep their mandate". It is quite clear that the people of Uganda led the process of ensuring that their government created an enabling environment for participatory democracy. Just as in South Africa, the Ugandans have a right to participate in the activities of government to influence the decision-making processes and to improve accountability. Hyden and Venter (2001:63) note that "the mass media contributed to the democratic process by voicing the very concerns of the people, articulating the views of those who disagreed with certain provisions being discussed, keeping a very keen eye on all those who were playing special roles in the process so that they did not manipulate or mislead people, and exposing any apparent undue influence by government on the outcome of the process".

2.5 SUMMARY

It is clear that there are different interpretations of the meaning of public participation among different practitioners. However, the common theme among the definitions is that public participation is a critical ingredient for democracy, and that it empowers people to be involved in the decisions that impact their lives. This chapter began by unpacking the concept of public participation and the different meanings associated

with the concept. The rationale for public participation was explored, and different practitioner's perspectives on the importance of public participation as a cornerstone of democracy were also touched on.

The goals, objectives and benefits of public participation have been outlined on the basis of various authors' interpretations. The importance of informing the citizens about a particular matter which has an impact on their lives is of critical importance since it allows citizens to be better informed. The benefits of public participation are that they allow interaction between the public and the elected representatives. Moreover, public participation promotes accountability and responsiveness.

The chapter concludes by providing a list of international declarations on public participation and selected international examples in the older established and modern democracies. There is quite a clear distinction between how public participation is being implemented in these two democracies as the latter focuses mainly on ensuring public input in all the activities of government. Despite public participation being somewhat exclusionary in the older democracies, it remains critical in advancing development. The next chapter explores public participation within the context of Parliament and the legislative framework on public participation.

CHAPTER 3

PUBLIC PARTICIPATION IN THE CONTEXT OF THE PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

3.1 INTRODUCTION

Public participation in the context of the Parliament of the Republic of South Africa is the focal point of this chapter. The strategies that are utilised by Parliament to implement public participation are uncovered, as is the model which outlines and mainstreams the minimum norms and standards for public participation processes and procedures to achieve the involvement of the public in the legislative and other processes of Parliament.

This chapter also focuses broadly on the legislative and policy framework that guides the implementation of public participation in South Africa. The Constitution makes provision for Parliament or the provincial legislatures to develop their own arrangements in facilitating public participation. In this regard, this chapter demonstrates the importance of these rules and their relevance in the implementation of public participation in the activities of Parliament. The chapter ends with an overview of the relevant public participation framework that guides public participation in the legislative sector and Parliament.

3.2 PUBLIC PARTICIPATION IN PARLIAMENT

3.2.1 Introduction

Parliament strives to build “an activist and responsive people’s Parliament that improves the quality of life of South Africans and ensures enduring equality in society”. Parliament also endeavours “to be of service to the people by providing an opportunity for citizens to participate in the decision-making processes that affect their lives” (Parliament of the Republic of South Africa, 2017:21a).

Public participation in the processes of Parliament is a constitutional imperative and has therefore been a strategic priority since 1994. The work of Parliament is grounded

in public engagement and in ensuring that decisions taken are aligned with expression from the public. Public participation makes up to one third of the salient functions of Parliament (Doyle, 2017:3). Parliament is empowered by the Constitution to serve as a premier forum for the public consideration of issues. This implies that issues of service delivery and law making impact significantly on the lives of ordinary people, and it is important for Parliament to offer an open platform to hear the voice of the people on the ground on pertinent issues of national interest.

Parliament is empowered by the Constitution to make and amend laws of the country. In the process of making and amending laws, the Constitution makes provision for public involvement in the legislative and policy-making processes of the institution as per section 59. According to De Villiers (2001:32), “the aim of public participation in the legislative and policy-making activities is to offer poor people a platform to have their voices heard and allow them an opportunity to express their needs and grievances”. The next section provides an overview of the Public Participation Model of Parliament.

3.2.2 Parliament’s Public Participation Model

The Public Participation Model (PPM) is one of the fundamental projects of the 5th Parliament. It was developed in 2015 with the objective of achieving Parliament’s strategic objective to increase access and improve the quality of public participation through a standardised framework that seeks to improve participatory democracy. The development of the model was informed by the need for Parliament to uphold the principles of openness and accountability to the citizens as enshrined in the Constitution.

Historically, the focus of the first democratic Parliament was mainly on amending and repealing laws that were not in line with the new Constitution of 1996 and also overseeing the establishment of new institutions that support the promotion of constitutional democracy. The subsequent Parliament’s focus was entrenched in promoting oversight as a tool to promote accountability. The importance of public participation as a critical ingredient to sustain participatory democracy emerged regularly in the 5th Parliament. This period also signified the proliferation of litigations

against the implementation of public participation in the law-making processes of Parliament. In this regard, Parliament saw the need to develop a plan which would formalise public participation through the development of the Public Participation Model (PPM). The model takes into consideration the legislative sector Public Participation Framework (PPF) that was developed in 2013. Subsequent to the adoption of this framework, all provincial legislatures and Parliament were required to have their own public participation models. The main objective of the model is to formalise public participation and develop clear standards for how it should be implemented in the activities of Parliament.

The model is significant in the facilitation of public participation given that it is adapted from the Arnstein's (1969) Ladder of Participation to reflect a best approach to promote public input. The model sets the minimum standards for public participation in line with the constitutional prescripts and the four stages that include: informing; consulting; involving and feedback as depicted in the figure below.



Figure 3.1: Stages of the Public Participation Model

Source: Parliament of the Republic of South Africa, Public Participation Model (2016: 18a)

Stage 1: Informing refers to information dissemination and providing the public with access to information on the relevant subject matter for consideration by Parliament. This is usually undertaken by the public education office which is assigned to educate the public about the programmes of Parliament.

Stage 2: Consult refers to the invitation or notices that are issued by Parliament or its committees to invite the public to submit their input on the matter before Parliament. The invitations are meant to provide the public with the requisite information needed for them to prepare submission into the subject matter of discussion by Parliament.

Stage 3: Involve refers to the opportunity given to the public to make their voices heard during public hearings, committee sittings or similar engagements which offer an opportunity for dialogue and interaction. This stage is critical, given that the citizens need to express their views on the subject of discussion, and also make proposals to influence the outcome of the decision-making processes.

Stage 4: Feedback refers to the reports that are compiled by Parliament to give feedback to the stakeholders that participated in the activities of Parliament. Feedback is necessary, given that it provides the outcome of the decision-making processes to stakeholders. This also includes the follow-up visits that are undertaken by Parliament to monitor progress made after its oversight visit or similar activity.

According to the model, “all the stages of participation are equally important because each stage has the potential to increase the public’s opportunity to influence or provide input in the decision-making processes” (Parliament of the Republic of South Africa, 2016:25a). Thus, for meaningful public participation to take place, Parliament needs to undertake public participation utilising the best fit approaches that will enhance the involvement of the public in the decision-making processes, unlike in the past, when public participation was based on a top-down approach. Therefore, the 6th Parliament has the obligation to implement the objectives of this model going forward. The strategies utilised by Parliament to promote public participation are discussed in the next section.

3.2.3 Parliament’s Public Participation Strategies

Parliament has different strategies and public outreach programmes that are aimed at promoting public involvement in its works. Parliament is central to the strengthening and deepening of democracy, and must therefore find mechanisms and processes to deepen the culture of democracy established by the Constitution (Parliament of the Republic of South Africa, 2014:9). The different strategies utilised by Parliament to facilitate public involvement are discussed in the following section.

3.2.3.1 Written submission/s

The Constitution makes provision for members of the public to be involved in the law-making and other processes of Parliament. Interest groups and citizens are encouraged to submit written views to committees on matters before them (Mansura, 2012:572). According to Arendse (2014:64), “a submission can be defined as a presentation of views or opinions on a matter or piece of legislation”. A submission maybe be submitted or presented in any of the 11 official languages of South Africa. Where necessary, committees invite those who make written submissions to present them in oral presentation. Submissions are useful in obtaining independent information on the subject matter that is before a parliamentary committee. Submissions can also be very useful in putting forward proposals before legislators so that they can consider them in the decision-making processes.

3.2.3.2 Petitions

According to Mansura (2012:732) “a petition is a request, representation, submission or complaint lodged by members of the public with the legislatures about issues that the petitioners would like the legislature to attend to”. Section 17 of the Constitution “guarantees the right of everyone to present petitions”. Petitions are a way of ensuring that the views or needs of the public find expression in the work of Parliament. However, they do not guarantee that the petitioner will receive his/her wishes.

3.2.3.3 Public hearings

Public hearings serve as the key platform for the consideration of public input in the decision-making processes of Parliament. Mansura (2012:570) states that “public hearings provide members of both the legislature and civil society with an opportunity and platform to exchange ideas and views on public policy-related issues”. Scott (2009:83) earlier asserted that “the public hearing process normally entails giving notice of the intended hearing, pre-workshops with stakeholders and public mobilisation and submissions at the public hearing event”. Public hearings are normally scheduled when Parliament deals with legislation or similar issues that attract public interest.

The hearing process is normally led by the relevant leader of a parliamentary delegation, and members of the public are offered an opportunity to make a

presentation of their written or offer an oral submission. A report is written for the summary of the submissions to be put into context, including the discussion and conclusion of the hearing. The location for the hearings is informed by the feedback on that particular legislation or similar matter of public interest. Parliamentary committees normally hold the public hearings in Parliament. However, if there is an overwhelming response to the subject of discussion, nationwide hearings are undertaken in each province.

3.2.3.4 Parliamentary Constituency Offices

Although South Africa does not have a constituency-based electoral system of public representation, each Member of Parliament (MP) is allocated a constituency area with an office and some administrative support where the public and community can make contact with a member and bring information dealing with service delivery issues to the attention of members (Mansura, 2012:569). Constituency offices serve to bridge the divide between the seat of Parliament and the people (Parliament of the Republic of South Africa, 2013:36). These offices play a critical role in communicating the activities of Parliament and afford the public an opportunity to interact with their elected representatives on matters affecting their communities.

In terms of the parliamentary programme, all Mondays when Parliament is in session are dedicated to constituency work. This means that all MPs are required to be at their constituency offices to attend to all service delivery matters from their communities and bring them to Parliament for the attention of the executive. When Parliament is not in session, members are expected to perform their constituency work similarly.

3.2.3.5 Committee meetings

Committee meetings, also commonly referred to as the engine room of Parliament, provide a platform for the public to raise issues concerning matters that affect their lives. Waterhouse (2015:68) adds that “members of the public who can physically get to the legislatures or Parliament are able to attend committee meetings and follow discussions in these forums”. Moreover, the rules of Parliament encourage openness and transparency in the work of parliamentary committees, thus Parliament may not prevent the public from attending committee meetings dealing with matters of public interests, unless in unique situations. Members of the public can only raise their concerns in committee meetings when they are invited to do so. Sefora (2017:62)

states that “the public can attend meetings to observe and not participate unless they are specifically invited to address the committee on specific issues”.

3.2.3.6 Sectoral Parliaments

Sectoral Parliaments have been created at Parliament so that issues affecting identified special interest groups can be raised for discussion by them and for expert opinion on their concerns to be heard (Parliament of the Republic of South Africa, 2013:34). Sectoral Parliaments include public outreach programmes established for women, men, youth, senior citizens and people with disabilities. These structures help to take Parliament closer to the people and provide formal spaces for public participation.

Further initiatives include Taking Parliament to the People (TPTP) and the NCOP provincial weeks. TPTP takes place in the geographically remote areas of the country, where people would ordinarily not have an opportunity to visit Parliament (Sefora, 2017:60). The programme includes site visits to special projects and a plenary session for which all members of the public including representatives from government and Parliament gather and deliberate on issues affecting the specific communities. The issues that are raised by participants in these forums are compiled in a report that is tabled in Parliament for consideration and the recommendations are forwarded to the Executive for further action.

3.3 LEGISLATIVE AND POLICY FRAMEWORK FOR PUBLIC PARTICIPATION

The legislative and policy framework for public participation in South Africa is broadly discussed in this section. The Constitution as a supreme law of the republic establishes the basis for all the legislative and policy frameworks for public participation, and this section commences with a brief overview of the Constitution and its significance to public participation. Emerging from the Constitution are pieces of legislation that have been enacted to strengthen the constitutional provisions on public participation and execution for the public sector in general including the legislative sector. In addition to legislation, the legislative sector including Parliament have their own rules, frameworks and guidelines for executing public participation as empowered by the Constitution. The next section provides a brief overview of the Constitution and

its significance for public participation with specific reference to the legislative institutions.

3.3.1 The Constitution of RSA 1996

Prior 1994, policy and law making in South Africa was a closed affair with very little, or any opportunity to make provisions for public participation. This changed with the adoption of the new Constitution in 1996, which asserts that South Africa is a representative and participatory democracy. The preamble of the Constitution lays the foundations of “a democratic and open society in which government is based on the will of the people”. Waterhouse (2015:13) states that “the Constitution entrenches Parliament as the centre of South Africa’s democracy, requiring that the National Assembly (NA) represent the people and ensure government by the people under the constitution”. This implies that Parliament exists as a platform for the consideration of public issues and should be driven by the ideal of realising a better quality of life for the people of South Africa in fulfilling its constitutional mandate.

The Constitution provides for public access to and involvement in the legislative and other processes of Parliament and the provincial legislatures. The specific sections dedicated to these issues include section 17 dealing with the right to submit petitions, section 59 in relation to public involvement in the NA, section 72 in relation to the NCOP, and section 118’ dealing with the provincial legislatures.

Section 17 of the Bill of Rights makes provision for members of the public to participate and protest peacefully. This inherent right is further empowered by Section 56 (d) and 69 (d) of the Constitution, which authorises the “National Assembly (NA) and the National Council of Provinces (NCOP), or any of its committees, to receive petitions, representations from any interested persons or institution”. These constitutional provisions make it possible for members of the public to submit their concerns or proposals to Parliament, and Parliament is bound to be responsive to the people’s needs, therefrom by passing laws which take into consideration the public’s input.

In relation to public involvement, sections 59 (1) and 72 (1) of the Constitution further affirm the general rights of members of the public to participate in governance and assert that “the National Assembly and the National Council of Provinces must facilitate public involvement in the legislative and other processes of the Assembly/Council of Provinces and its committees”. The Constitution also makes

provision for Parliament and the provincial legislatures to conduct their business in an open manner, and hold their sittings, and those of their committees, in public as stipulated in Section 59 (2). Section 118 (1) imposes a similar obligation on the provincial legislatures. The broad democratic benefits of these to members of the public are explicit in that they ensure, in statute, a right to direct input into law making (O'Hare, 2012:12). Therefore, the right to participate in the law-making and other processes of Parliament is mandatory, in contrast to other older democratic states, such as Germany and Denmark where the legislature may deem it appropriate to exclude members of the public under certain circumstances. The next section gives a broad overview of selected relevant legislation pertaining to public participation in the legislative sector.

3.3.2 Selected relevant legislation

3.3.2.1 The Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004

The main purpose of this Act is “to define and declare certain powers, privileges and immunities of Parliament, provincial legislatures, members of the National Assembly, delegates of the National Council of Provinces and members of provincial legislatures, and other related matters”. The act makes provision for members of Parliament to exercise their privilege when attending to the affairs of the house and to freely express themselves without fear of arrest or civil prosecution. This privilege is directly empowered by section 58 of the Constitution which also makes provision for freedom of speech in the House or its committees. In this regard, no one can sue a Member of Parliament (MP) or institute damages as a result of what a member said in the House.

The Act does not necessarily provide guidelines for how Parliament or the provincial legislatures should facilitate public participation (Waterhouse, 2015:13). Nevertheless, section 5 of the Act makes provision for the joint committee of Parliament to summon witnesses to testify under oath, or to submit documents for oversight purposes. In essence, the Act is critical to ensuring that members of Parliament or provincial legislatures are guided and protected by law when they undertake their responsibilities, especially in the parliamentary/legislative precincts.

3.3.2.2 The Money Bills Amendment Procedure and Related Matters Act 9 of 2009

The Money Bills Amendment Procedure and Related Matters Act was passed in 2009 with the objective of giving Parliament and the provincial legislatures an enhanced oversight role in the appropriation of the public funds. Prior the Act, the executive had more authority with regard to how the division of revenue processes were undertaken, and Parliament or the provincial legislatures were employed in rubberstamping the process. In support of this argument, Waterhouse (2015:17) asserts that “the Money Bills Act provides stronger direction to legislatures regarding the utilisation of public money and seeks to enhance the systems of parliamentary oversight over the executive decisions relating to financial planning, budgeting and spending”.

Section 5 of the Act makes provision for parliamentary committees of the National Assembly to assess the performance of departments on an annual basis. The Act sets out the basis on and procedures by which the assessment must be made, which includes the consideration of quarterly performance reports, annual performance and strategic plans, and other similar documents. Section 5 (2) of the Act makes provision for committees to develop and submit the budgetary review and recommendation reports (BRRRs), which must be tabled in the National Assembly for debate, and the recommendations be sent to the relevant Minister for consideration. The significance of the BRRR process is that parliamentary committees, though not obligated by law, facilitate public participation by inviting key stakeholders to submit their inputs regarding the performance of a particular department.

Section 8 (2) of the Act states that the committees of appropriation of both the NA and the NCOP must conduct joint public hearings on the fiscal framework and revenue proposals. The legislated obligation to involve the public on a particular issue signals the intention of the legislature to ensure that public opinion is embedded in the process relating to public money (Waterhouse, 2015:18). However, the time frame given to the public to submit their input to the Appropriation Bill is usually seven days, given that the Act gives the appropriations committees 16 days to submit their reports to their respective Houses. Moreover, the limited time frame makes it impossible for the appropriations committees to undertake meaningful public participation in the

processing of the Appropriation Bill. Moreover, the national budget is usually not amended, even though stakeholders submit their proposals to Parliament.

3.3.2.3 Promotion of Administrative Justice Act 3 of 2000

The Promotion of Administrative Justice Act (PAJA) gives effect to “the right to administrative action that is lawful, reasonable and procedurally fair”, as well as to “the right to written reasons for administrative action as contemplated in section 33 of the Constitution”. Together with the Constitution, PAJA seeks to promote the citizens’ right to just administrative action or decisions, and to ensure that the organs of state are accountable to people for their actions. In support of this argument, Kleyn and Viljoen (2010:98) assert that “the principles of PAJA emphasise that administrative decisions should be procedurally fair”. This implies that Parliament should provide the public with notice of and information about the legislation or any other matter of national importance under consideration. In this instance, the issuing of advertisements informing the public about the decision to amend or repeal legislation is underpinned by the values of procedural fairness, as contained in PAJA.

PAJA applies to Parliament and binds it as an organ of state, and also provides guidelines on decision-making activities that impact citizens. In support of this argument, Sefora (2017:81) asserts that “PAJA is one of the statutes that legislate public participation in policy decision making”. In applying PAJA to Parliament, the parliamentary committees encourage public involvement to enable citizens to express their views in the decision-making processes, and this promotes transparency in the work of Parliament, as encouraged by the Constitution.

The significance of PAJA in how Parliament undertakes its business can be seen by the number of court cases opposing the decision-making processes of Parliament as shown in the preceding chapters. The litigations are empowered by section 6 of PAJA which makes provision for judicial review of administrative action by any person who feels that his/her rights have been adversely affected by an unlawful or procedurally unfair decision-making process. Moreover, the importance of providing adequate reasons for any decisions taken by an organ of state is contained in section 5 of PAJA. In the case of Parliament, the Expropriation Bill (B 4D – 2015) was passed by

Parliament and referred to the President for assent in 2016. However, the President requested Parliament to advise on the process followed by the NCOP in passing the Bill. The reasons provided by the Chairperson of the NCOP to the President were not adequate and the Bill was referred back to Parliament for reconsideration (Parliament of the Republic of South Africa, 2017:19c).

3.4 RULES

3.4.1 Rules of the National Assembly and the National Council of Provinces

Sections 57 and 72 of the Constitution respectively, empower the NA and the NCOP to make rules and issue orders concerning their business. The Constitution encourages Parliament to develop its rules in line with the provisions of a constitutional democracy. In this regard, the NA has developed Rules which were last updated in May 2016 (9th Edition), and the NCOP Rules similarly have been developed and last updated in March 2008 (9th Edition). For the purposes of this study, the focus is on the NA and the NCOP Rules which specifically deal with public access, openness, public participation and the committee system.

The members of Parliament are expected to uphold the Rules in the manner in which Parliament undertakes its business. The activities of Parliament are guided by rules which contribute significantly to maintain decorum in the House and Council, including the committees. In this regard, Chapter four of the NA and the NCOP respectively make provision for the rules guiding the sitting of the Assembly and the Council. The rules state that the sittings of the Assembly and the Council are open to the public, including the media, subject to section 72 of the Constitution. In addition, Chapter 12 of the NA Rules and Chapter 9 of the NCOP Rules give more details regarding public access to the proceedings of the committees. Rule 184 of the NA Rules and Rule 110 of the NCOP Rules reiterate the constitutional provision of openness in the work of Parliament, and state that the meetings of committees or sub-committees must be open to the public, including the media, and the chairperson of such committee may not remove the public, including the media, except when certain conditions prevail. The provisions for openness in the work of Parliament are fundamental in promoting the values of transparency and accountability.

With respect to public participation in the work of committees, Rule 170 of the NA Rules states that “committees must ensure public involvement in accordance with the provisions of the Constitution”. This provision in the Rules gives effect to section 72 of the Constitution, which mandates Parliament to “facilitate public involvement in the legislative and other activities”. Thus, it is critical that committees of Parliament ensure the involvement of the public in their activities as per the Rules. However, the rules do not specify clear time frames for submission of inputs in the law-making processes; this information is usually determined by each committee. The lack of standardisation concerning how public participation is implemented in the law-making processes remains a problem for Parliament, since the Rules are also silent on the matter. This is noted by Waterhouse and Mentor-Lalu (2016:12) who argue that “the rules fail to provide significant direction, guidance or standards for how participation should be implemented”.

With respect to the rules applicable to all committees, Chapter 12 of the NA and Chapter 9 of the NCOP Rules deal with the committee system and the respective rules. The rules empower the committees to summon any person to give evidence or request any documents needed to exercise their oversight roles. The process of summoning a person to Parliament is onerous and it can only be undertaken through the Speaker of the NA. As a result, there have been many instances where witnesses have been invited in various parliamentary inquiries without success due to the onerous process published in the Rules for summoning witnesses.

3.5 OTHER INITIATIVES

3.5.1 Public Participation Framework for the South African Legislative Sector

The South African Legislative Sector (SALS) developed a public participation framework (PPF) in 2013 to give more direction and develop a standardised framework to guide the implementation of public participation for the sector. SALS was established through partnerships between the Speaker’s Forum of South Africa, Parliament and the provincial legislatures, with the objective of engaging in efforts aimed at protecting the sector against potential threats to its independence (Parliament of the Republic of South Africa, 2013:10). This forum has no obligation to facilitate public participation; however, it exists to provide a structured framework for

public participation that promotes fundamental democratic rights and promotion of participatory governance. The development of the PPF was a collaborative process which included all the legislatures and the relevant stakeholders.

The PPF is underpinned by the Constitutional provisions on public participation which seek the involvement of all citizens in the decision-making processes of the legislatures so that they reflect the will of the people. The goal of the PPF is to “provide a written guideline that contains minimum norms and standards for public participation within the legislative sector in order to improve its implementation”. In addition, the objectives of the framework are to: “obtain the public’s views on policy, legislation and other processes in order to enrich the decision-making processes of the institutions; to share knowledge with communities regarding governance issues in order to improve the pace and relevance of service delivery; and to obtain information from people regarding their experiences of service delivery, so that government institutions may take action to bring about change” (Parliament of the Republic of South Africa, 2013, 30).

The core values and principles of the PPF are people-centred and articulate the importance of public participation in the decision-making processes. The core values emphasise the premise that those affected by a decision have a right to be involved in the decision-making process, and their inputs should influence the outcome of such decision. Similarly, the principles promote the active involvement of community members to meaningfully participate in development processes, and utilise the community’s diversity to deepen shared understanding (Parliament of the Republic of South Africa, 2013:31). This implies that the PPF provides for the enhancement of the communities’ understanding of the public participation processes in the legislatures, through the public education programmes.

The PPF provides important guidelines with regard to the institutionalisation of public participation. It also contains the minimum requirements to ensure an improved common approach across the legislative sector. The PPF is not a statute or binding document, but mandates the legislatures and Parliament to develop a model of public participation that is guided by the framework. The minimum requirements and guidelines on the development of the public participation models by the legislatures

and Parliament are well articulated in the PPF. The implementation of the guidelines seems to be a problem, however, especially in Parliament. This is supported by Waterhouse (2015:21) who argues that “the extent to which those minimum requirements can be met by the legislatures and their committees, particularly considering the fast pace at which some processes are undertaken, is questionable”.

3.5.2 Oversight Model of the South African Legislative Sector

The Oversight Model was developed in 2009 as a mechanism that will provide a unified framework for the legislative sector. The development of the model was underpinned by the need to guide the overall oversight functions of the South African legislatures. The Constitution mandates Parliament and the legislatures to exercise oversight over the work of the Executive, thus an effective instrument to exercise this constitutional obligation needed to be developed for the enhancement of service delivery and to improve the quality of life for all citizens.

The model provides more details on what is meant by oversight and accountability since they form the key mandates of Parliament and the legislatures. The model establishes a baseline for systems, mechanisms, and tools for conducting oversight (Parliament of the Republic of South Africa, 2009:6). In this regard, the model provides information to assist committees regarding the processes relating to the assessment of quarterly and annual reports, the annual performance plan, oversight visit, and other related oversight tools.

The model emphasises the importance of public participation as a central constitutional imperative (Parliament of the Republic of South Africa, 2009:1). In this regard, Parliament and the legislatures are encouraged to promote the involvement of the public in all activities involving oversight. The model encourages the importance of relationship building between Parliament and the legislatures and civil society groups. This partnership is underpinned by the need to put the public at the centre of public participation in the oversight activities of the legislatures. Thus, the model mandates the unit/s responsible for public participation in Parliament or legislatures to ensure that there is sufficient involvement of the general public through the publication of committee activities and the provision of documents before the meetings.

3.6 SUMMARY

This chapter has provided an overview of public participation in the context of Parliament. In this regard, public participation is an important aspect in the work of Parliament, given its mandate as platform for consideration of public issues. The obligation to involve the public in the activities of Parliament emanates from the constitutional framework and is also enhanced by other relevant policy documents. Consequently, Parliament has developed a number of mechanisms through which public participation is implemented. This chapter has given a breakdown analysis of the various mechanisms implemented by Parliament to encourage public involvement in its activities.

This chapter has also demonstrated that public participation in Parliament is well regulated, starting from the Constitution. Notwithstanding the Constitution, the legislative framework on public participation in South Africa also seeks to promote the inherent rights of the citizens to be consulted in the decision-making processes that affect their lives. In addition, the Rules of the NA and the NCOP also make provision for openness, transparency, accountability and public involvement in the activities of Parliament. However, it is important to highlight that there is no dedicated piece of legislation that is focused directly on the regulation of public participation in the legislative sector. Moreover, the rules of Parliament do not substantiate the procedures that need to be followed in encouraging public involvement in the work of Parliament in detail.

The next chapter provides an overview of the research methodology used in the study. The presentation of the results obtained from data is also provided in this chapter.

CHAPTER 4

RESEARCH METHODOLOGY AND RESEARCH RESULTS

4.1 INTRODUCTION

In the previous chapter, public participation in the context of Parliament, including the legislative and policy framework on public participation, was broadly described. This chapter provides an overview of the research design and methodology applied in the study. This chapter also concludes with the presentation of the research results derived from the data gathered during the study.

4.2 RESEARCH DESIGN

According to Babbie and Mouton (2018:74), “a research design is a plan or blueprint of how research will be undertaken in the study”. For this study, a qualitative research design has been utilised. According to Babbie and Mouton (2018:270), “qualitative research design allows researchers to study human actions from an insider’s perspective”. This method is used to gather and present information in the form of words rather than numbers.

The use of the qualitative research approach afforded the researcher the opportunity to have direct contact with the respondents to gain insight on their thoughts on the subject under scrutiny. According to Babbie and Mouton (2018:270), “the objective of a qualitative approach is to generate thick and rich descriptions of actions and events so that many views and numerous quotations from different voices are heard”. In other words, qualitative research mainly focuses on obtaining in-depth understanding, as opposed to simple explanation of phenomenon.

The researcher’s emphasis on studying human action in the natural setting was attributed to the need to understand the phenomenon of public participation and obtain detailed data on this phenomenon through engagement within the context of Parliament.

4.2.1 CASE STUDY

According to Babbie and Mouton (2018:281), a case study is “an intensive investigation of a single unit”. A qualitative case study approach was used in this study

as it provides intensive description and analysis of a single unit, which in this study comprised of an in-depth assessment of public participation in the law-making and other activities of Parliament. Parliament was selected as a case study because of its accessibility and interest to the researcher.

4.3 POPULATION AND SAMPLING

It is important for the researcher to determine a research population and sampling techniques that are suitable for the purpose of the study. According to Welman *et al.* (2011:52), a population in a study “consists of individuals, groups, organisations, human products and events or the conditions to which they are exposed”. The population for this study was the Parliament and the different sections or units assigned to deal with public participation in the activities of Parliament.

According to Welman *et al.* (2001:56), “a sample is a subset of the population that is selected for the study and also consists of the people or objects the researcher wishes to study”. Sampling assists the researcher to save time because, in most cases, it is not practical to study an entire population. A researcher can choose from different types of sampling methods based on the nature of the study. Given the qualitative nature of this study, a non-probability sampling technique was used in which purposive sampling was chosen for collecting data.

According to Babbie (2014:510), “purposive sampling is a type of non-probability sampling in which participants are selected on the basis of their knowledge of a subject”. Welman *et al.* (2011 69) add that “purposive sampling allows researchers to rely on their experience, ingenuity, or previous research findings on the subject matter”.

In this study, the respondents were selected based on their experience and ability to contribute informatively to the subject of public participation and its implementation in the processes of Parliament. The respondents were also categorised in terms of their knowledge and experience on the topic of public participation. At the higher level were managers responsible for units that are responsible for public participation, and at the lowest level were officials that are responsible for the day-to-day tasks related to public participation. Interviews were conducted until the researcher judged that the research

questions could be answered adequately. In total, 10 interviews had been conducted when the researcher decided to conclude the interviewing process to proceed to data analysis.

4.4 DATA COLLECTION METHODS

According to Mouton (2001:104), “data can be collected through a variety of data collection methods such as observation, interviewing and analysing texts”. In order to gather information, the researcher used both primary and secondary data for the study. Interviews were used for collecting primary data and secondary data were obtained through document analysis.

4.4.1 Document analysis

Document analysis assisted the researcher to obtain secondary data about the theory of public participation. According to Mouton (2001:99), “documentary sources are textually based and are available in electronic and physical format”. The study relied mostly on collection of literature sources obtained through online search. The researcher consulted electronic journal articles, textbooks, internet sources, policy documents, legislation and the relevant literature related to public participation. The researcher had access to internal documents of Parliament relevant to the topic under scrutiny, and these documents were analysed to understand public participation in the law-making and other activities of Parliament.

The document analysis was undertaken in line with the objectives of the study and the research questions that the study seeks to address. The various documents were studied and examined to check for similarities and common understanding on the concept of public participation. The documents used also provided insight into the significance of public participation in the law-making mandate of Parliament.

4.4.2 Interviews

Theron and Saunders (2009:180) explained that “interviews provide an opportunity for the researcher to probe the questions posed to the interviewee more deeply”. Interviews also tend to tap into the depths of the reality of the situation and discover meanings which assist the researcher to develop a good sense of understanding with the interviewees and gain their trust.

There are four types of fundamental interviews for research studies, namely structured, semi-structured, focus group and unstructured interviews. For the purposes of this study, the semi-structured interview method was selected. Denscombe (2010:175) describes the semi-structured interview as using “a clear list of issues to be addressed and questions to be answered”. Semi-structured interviews allow the researcher to ask pre-determined mixed and open-ended questions and respondents are able to respond with an element of flexibility in their answers.

A semi-structured questionnaire was designed and administered in order to gain the individual viewpoints of the respondents. The design of the questionnaire was guided by the research questions that the study sought to address. The researcher opted for face-to-face encounters to ask questions orally and record respondents' answers. The researcher used interviews as the main data collection technique in addition to the document study. The motivation for selecting 10 participants to be part of the interviews in the study was attributed by the need to gain in-depth insight and explore the participants' opinions on public participation and its challenges in Parliament. The interviews were also conducted separately and appointments were made with the respondents so that they could participate meaningfully in the study.

The 10 interviews were mostly conducted in the respondents' offices or similar secured spaces in order to ensure that they were comfortable and able to express themselves without being disturbed. The respondents were provided with an opportunity to share their insight and assessment of public participation, which was the key focus of the study. The interaction with the respondents allowed for rich discussions which emanated from the interviews.

The interviews were scheduled for a minimum of 30 minutes each, but up to an hour was allowed for each respondent. All the interviews were primarily conducted in English, which allowed the researcher to transcribe the interviews as presented by respondents without translating from other languages. The researcher recorded the interviews using an audio recording device as back-up. The respondents were assured that the information recorded would be treated with confidentiality.

4.5 DATA ANALYSIS AND INTERPRETATION

Data analysis is an integral process that follows after the completion of the data collection process. According to Creswell (2013:187), data analysis entails “organising, coding, presenting and interpreting data to give it meaning so that it can be easily understood”. Babbie (2005:443) indicated that data analysis is “the representation and manipulation of observations for the purpose of describing and explaining the phenomenon reflected by those observations”. Data analysis is an important step and critical to draw conclusions and make recommendations from the data that has been collected in the study.

The researcher was mindful of the fact that the data collected on the basis of human experiences is complex. Since the study explored the knowledge and understanding of public participation and its significance in the law-making and other processes of Parliament from the respondents, the researcher used content analysis as the main data analysis technique in the study, the unit of analysis being Parliament. According to Babbie and Mouton (2018:491), content analysis “examines words or phrases within a wide range of texts, including books, book chapters, essays, interviews and speeches as well as informal conversation and headlines”. Content analysis was used to develop categories and themes from the data collected during the interviews. The researcher recorded and transcribed all the interviews before they were analysed. This assisted the researcher to develop themes from the volumes of raw data gathered from the respondents in terms of the content, similarities and relevance of such data.

According to Mouton (2001:109), “data interpretation has to do with the synthesis of raw data with a view to reaching meaningful conclusions”. On having interpreted the data, the information collected from the respondents was coded into categories or themes to elicit meanings from the respondents’ statements and develop realistic findings. According to Denscombe (2010:292), “the process of analysing and interpreting data involves coding, categorising, identification of the themes, as well as the generalisation of conclusions based on the patterns and themes that have been identified”. The researcher followed these steps in the study and was always mindful of the study’s aims and objectives in the process of analysing data.

4.6 ETHICAL CONSIDERATION

Mouton (2001:239) describes research ethics as “the moral commitment that scientists are required to make to the search for truth and knowledge which is imperative for any social science research”. The researcher firstly sought permission to conduct the study and to interview individuals relevant to the study from the Acting Secretary to Parliament who acts as an accounting authority for the institution. A research agreement form entered into between the researcher, Parliament and Stellenbosch University (SU) was signed by the three parties before in compliance with the policy of Parliament in relation to research studies. A memorandum requesting permission to conduct the study was signed and approved by the Acting Secretary to Parliament. The researcher also received a notice of approval from the University’s Research Ethics Committee (REC): Humanities to collect data from the respondents.

Permission was requested from the respondents for participation in the study by communicating with them verbally and sending emails to others. The questionnaire (Appendix 2) was sent to the respondents who agreed to take part in the exercise to enable them to familiarise them with the purpose of the study and to prepare thoroughly for the interview and

The researcher provided sufficient information about the objectives of the study to the respondents to allow them to make an informed decision on whether to participate or withdraw from the study. The respondents were also advised to read and sign a consent form (Appendix 1) that explained the purpose of the study and the terms and conditions attached to it. The researcher made no attempt to deceive or mislead the respondents in any manner, and openness characterised the collection of data from the respondents.

In terms of confidentiality, the respondents were assured about the protection of their privacy. In doing so, the researcher informed the respondents that their names would not be published in the study and the information collected would be used for the purposes of the study only and be kept confidential. This was done to protect the respondents against any possibilities of intimidation from their employer.

4.7 LIMITATIONS OF THE STUDY

The study focused on public participation and how it is implemented in the law-making and other activities of Parliament. It was not the intention of the study to investigate public participation in the entire legislative sector; instead the focus was limited to Parliament.

The study was also based on a sample of 10 respondents in Parliament who are involved in the facilitation of public participation. The findings and conclusion of this study cannot be generalised or be regarded as reflecting views of the whole population within the institution. However, the findings of the study are useful indicators in relation to the implementation of the public participation mechanisms in the law-making and other activities of the institution.

The next section presents the research results derived from the data collected in the study.

4.8 PRESENTATION OF THE DATA

4.8.1 Introduction

The previous section presented the groundwork with respect to the research techniques used for data collection in this study. As mentioned, the methods that were used entailed document study and interviews to collect data for the study. A qualitative research method was adopted for this study due to the nature of the data that were required. This study did not make use of quantitative methods of data analysis making use of software or statistical methods to analyse the data.

The collection of primary and secondary data for this study was based on Objective 1, which aimed to analyse and define public participation in the context of Parliament, Objective 3, which aimed to explore the challenges of public participation in Parliament and look at the strategies used by Parliament to facilitate public participation and Objective 4, which aimed to put forward recommendations for achieving meaningful public participation in the law-making and other activities of Parliament to enhance decision making.

The researcher conducted interviews with 10 respondents, and the questionnaire for the interviews was divided into four sections. Section A probed the general understanding of the respondents with regard to public participation within the context of Parliament. Section B sought to establish the institutional arrangements for the facilitation of public participation. Section C evaluated the implementation of public participation, thereby probing the various strategies or mechanisms in place to facilitate public participation in the activities of Parliament. Section D attempted to determine whether there were systems in place for monitoring and evaluation of the implementation of public participation and mechanisms for feedback to the stakeholders or participants.

The themes developed in the next section were generated from the issues that were raised during the researcher's interaction with the respondents. The presentation of data in this section reflects the views and perceptions of the respondents who mainly were employees of Parliament who are also part of the institution's core business division that oversees the implementation of public participation activities. In addition, the researcher was able, through document analysis, to collect data by means of the study of various scholarly articles and parliamentary documents on the subject of public participation.

The information that was gathered during the interviews and document analysis is summarised in the next section.

4.9 RESEARCH RESPONSES

4.9.1 Biographic information of the respondents

The study focused on a sample of employees within Parliament who are involved with facilitating public participation activities of Parliament. The researcher also had an opportunity to interview a representative from a non-profit organisation who closely monitors the work of Parliament to gain an outsider's perspective on public participation in Parliament.

The respondents consisted of seven males and three females, and seven of the respondents were black, two coloured and one white. In respect of their qualifications, five of the respondents had a Master's degree, one had a Doctoral degree and the

other four had Bachelor's degrees. Thus, the respondents in the study were qualified individuals who were informed and understood the subject of public participation within the context of Parliament. Their responses on the study are provided in the next section.

4.9.2 Theme one: Understanding public participation

It was necessary to determine whether the respondents had insight about public participation and its significance in the law-making and other processes of Parliament. In this respect, the respondents were asked to provide their understanding of what public participation entails in the context of Parliament and the importance thereof. This was essential for determining the extent to which the respondents had been exposed to public participation in the activities of Parliament.

In response to this question, the respondents shared similar understanding and interpretation on what constituted public participation in the context of Parliament. The respondents indicated that public participation is a process in which Parliament consults members of the public or interested parties before making a decision on particular matter that has direct implications on their livelihoods. Important to note is that the respondents emphasised the fact that public participation is a constitutional imperative in a democratic state such as South Africa. Some of the respondents gave historical context to the notion of public participation in South Africa, and pointed out that the black majority population of this country were disenfranchised and excluded from the law-making and similar activities of Parliament and other organs of state before 1994. Thus, the apartheid regime utilised an authoritarian system of governance meant to marginalise the black majority. However, after 1994, the democratic Parliament had to redress the past imbalances, and the promulgation of the Constitution in 1996 signified a new dawn for all South Africans, irrespective of their race or creed.

The respondents emphasised the importance of public participation in the law-making processes and other activities of Parliament. In this regard, one of the respondents referred to the slogan "nothing about us without us", meaning that Parliament may not take decisions affecting the people without them having an input to influence the outcome of the decision-making processes for the improvement of their lives. The respondents emphasised that the constitutional imperative of ensuring public

participation in the legislative and other activities of Parliament is binding, and Parliament thus has a duty to comply with this constitutional obligation.

4.9.3 Theme two: Implementation of public participation

As mentioned in Chapter 1, one of the objectives of the study was to look at the different mechanisms/strategies used by Parliament to facilitate public participation in law making and other activities. These include public participation events, public education, public hearings, petitions, constituency and parliamentary democracy offices and committee meetings. The respondents in the study were requested to provide responses concerning the implementation of public participation by Parliament in its law-making and other activities.

4.9.3.1 Public participation events

This study sought to understand the various public participation events that are implemented by Parliament and their significance. The respondents indicated that the NCOP each year bases itself in a different province for a period of one week, during which Members of Parliament (MPs) and the provincial legislature interact with stakeholders from the communities. Other events such as the women's, youth's and men's Parliament are scheduled in Parliament. At these events, the various stakeholders are invited to share their input, and Parliament incurs the cost for the participation of stakeholders that do not have means to fly to Cape Town. The majority of the respondents supported the initiatives of Parliament to reach out to rural communities and offer different platforms for the public to raise issues. However, they were of the view that public participation events have become increasingly event-oriented. Thus, Parliament hosts these events on an annual basis and this exercise has become predictable and often less interesting for those who are entrusted to facilitate these events. One of the critical issues raised by the respondents is that the limited financial resources of Parliament affect the roll-out of these events, and there have been instances where some events have been cancelled to save costs.

The respondents highlighted the need for the public to be allowed more time to express their views in parliamentary events, as opposed to affording politicians and other government officials more time to promote government programmes. Their view was

that some of these events were utilised to promote the projects that are implemented by the government, as opposed to dealing with service delivery issues affecting people on the ground. One of the respondents in the study alluded to the fact that the Taking Parliament to the People event had been taken over by the political parties, whereas members of the parties are recruited in numbers to fill the venue of the event wearing their party regalia, thereby intimidating other ordinary members of the public who come to the event to voice legitimate service delivery complaints.

The respondents raised concerns with respect to the dwindling numbers of the public in these public participation events. They felt that the dwindling numbers could be attributed to the decision taken by Parliament to stop offering food to all participants in the events due to budgetary constraints. According to the respondents, Parliament used to procure catering companies to prepare food for everyone attending the events; however, this is no longer the case. The respondents also indicated that the public participation events are scheduled to last from the morning to the afternoon, and the majority of the people attending these events are poor, and they are not in a position to buy food during lunch or tea breaks at the event. Consequently, the turn-out to these events has suffered a setback, because of the lack of food for the targeted audiences. Nonetheless, the programmes were implemented for compliance purposes, irrespective of the number of people that attend.

The respondents also alluded to poor feedback as a major weakness of these public participation events. It appears that there are no proper systems in place to provide feedback on issues raised by participants at the events. The respondents added that Parliament normally undertakes to provide a report with recommendations that is forwarded to the Executive for implementation. However, such feedback does not include the people who participated in the event.

4.9.3.2 Public education

The respondents were requested to comment on the role of the Public Education Office (PEO) and whether it has the capacity to inform the public about the activities of Parliament. The official from the PEO interviewed in this study emphasised the critical role played by the PEO in educating the public about Parliament. The respondent expressed concern in respect of the financial resources allocated to this office for rolling out its public outreach programmes. According to the respondent, the

office was severely under resourced with a staff complement of 10 people (one-unit manager, two public education specialists and seven public education practitioners) and they are expected to support the programmes of the institution and the committees.

The respondent indicated that public education practitioners are expected to mobilise communities and educate them about the Bill or relevant subject matter to be discussed as part of public hearings in communities 10 days before the actual event takes place. The PEO also utilises the database of stakeholders in each province to make sure that there is a reasonable turnout at the parliamentary events. The disadvantage of this strategy is that the same individuals and organisations tend to participate in these events, frequently at the expense of ordinary people who are not familiar with Parliament's outreach programmes.

The respondent indicated that Parliament undertakes pre-visits and pre-hearings prior the actual event to scan the environment and hear the sentiments of the people about the subject for discussion. However, this did not happen often due to the limited number of staff in the PEO, and inadequate coordination of public participation activities within Parliament's different sections. The respondent was of the view that political parties make use of the parliamentary events to lobby more support for their own gain, as opposed to assisting Parliament to have a good turn-out for its events. The rent-a-crowd approach has been widely used by political parties to drive specific agendas at the parliamentary events. Disruption and protests by political parties within the venues where Parliament events take place remains a concern.

One of the respondents in the study was also of the view that Parliament did not invest sufficient resources in educating the public about its work. In addition, inadequate partnership between Parliament, schools and civil society structures to provide regular updates concerning the work of Parliament was highlighted as a challenge. The general sentiments from the respondents were that public education initiatives of Parliament were not systemic, but rather event-oriented to a specific group of citizens who are targeted at that particular time. Consequently, there is no strategy for incorporating parliamentary education programmes into the schooling curriculum to create awareness of the work of Parliament to learners from an early age so that they can grow up with basic understanding of how Parliament works.

4.9.3.3 Public hearings

The respondents were asked to comment on the coordination of public hearings and whether it is necessary to schedule the hearings, given the constrained budget. The respondents indicated that public hearings serve as the key platform for consideration of public input in the decision-making processes of Parliament. For example, public hearings are normally scheduled when Parliament deals with legislation or similar issues that attract public interest. In respect of legislation, Parliament issues advertisements by various means of communication and the subject of the Bill determines the target audience. In addition, each parliamentary committee has a list of stakeholders that are usually invited to submit input on legislation or other issues of public interest.

All the respondents agreed about the importance of public hearings, especially in the law-making processes of Parliament, so that ordinary people can influence the outcome of the decision-making processes that affect their lives. The respondents expressed concerns with respect to the coordination of public hearings. The first issue that was raised related to the funding allocated by Parliament to coordinate public hearings. The respondents were of the view that undertaking public hearings is an expensive exercise that requires proper planning and coordination. However, Parliament did not have a streamlined budget for public participation and there was no uniformity in the coordination of public hearings. The respondents pointed out that each unit/section in Parliament had its own budget and even the logistical arrangements of the support staff were undertaken by different units. The sections/units that are involved in public hearings include committees, language services, protection services, parliamentary communication services, the research unit and the legal services unit. The units that have smaller budgets struggle to offer the requisite support to public participation events. In essence, the institutional arrangements on the coordination of public participation are not streamlined.

The majority of the respondents raised concerns pertaining to the methods of communication and notification used by Parliament to attract public interest in public hearings. The most common mediums of communication that are used are newspapers (national and regional) and stakeholders' databases. The respondents were of the view that almost all the parliamentary committees follow the same routine

with respect to communication and notification processes. In support of this assertion, they indicated that committees are given a list of newspapers to choose from and advertise in the 11 official languages. However, newspapers by their very own nature are not easily accessible to the poor, given that they need to be bought at a specific price. The respondents indicated that Parliament also hardly makes use of community newspapers that are distributed for free on a weekly basis to advertise its activities. As an alternative, Parliament spends a significant amount of resources on advertising through national and regional newspapers. The response to or feedback on some of the advertised legislation has been poor, however, and there have not been any attempts to evaluate the effectiveness of this approach.

The other issue that emerged from the respondent's responses is the language barrier which was highlighted as a major hindrance in the ability of the public to meaningfully participate in the activities of Parliament. They indicated that advertisements of Bills were mostly published in all 11 official languages and in most national and regional newspapers. However, provision was not made for translating the advertisements into braille or making them accessible through the JAWS (Job Access with Speech) software or other formats so that visually impaired people are able to read the content. According to the respondents, there was still lack of consideration for people with disabilities (PWDs) in the manner in which the institution promotes its activities. The decision by Parliament to limit advertisements on radio to cut costs compounds the situation.

The respondents also expressed their concern with respect to the parliamentary papers concerning Announcements, Tabling's and Committee Reports (ATC) which are printed in English and Afrikaans only as the common practice even 25 years after the institution of democracy. In addition, the respondents pointed that all the Bills in Parliament are printed in English, and Parliament does not have the expertise and capacity to translate the Bills into other official languages. The respondents felt that the inability of Parliament or government departments to translate the Bills or policies into simple language that is understood by ordinary people impact on the citizens' ability to understand and comment on them. Consequently, the majority of the people that normally submit meaningful input are civil society organisations, not ordinary people.

The respondents were of the view that inadequate access to information in respect to the subject matter for discussion in public hearings was as a major concern. The respondents also added that the majority of the people do not come to public hearings prepared to meaningfully engage on the topic of the Bill or relevant subject matter. Consequently, the majority of ordinary people perceive public hearings as a platform for raising service delivery-related issues to Parliament. For example, one of the respondents in the study who was part of the public hearings on the National Health Insurance (NHI) Bill, which aims to make provision for universal healthcare coverage, mentioned that people did not understand the purpose of the NHI Bill, and raised service delivery matters not connected to the Bill. This frustrates the MPs that are expected to listen and respond to public input, given that people lack information.

The respondents raised the critical issue of time frames in respect to the submission of public input on legislation or similar matters before parliamentary committees. According to the respondents, there are no prescriptions in law, rules or guidelines from Parliament with respect to the standardised time frame for the submission of inputs into legislation or related matters. Thus, each committee decides on its own in respect of the time frames on submission of public input. The common practice in most parliamentary committees is to give the public three weeks to submit their input on legislation. According to the respondents, the three-week period that is normally given to the public is insufficient to generate substantive input from ordinary people who reside in geographically remote areas and do not have easy access to mainstream media.

Another prevailing view from among the respondents was that, much as Parliament undertakes public hearings to provide the public with an opportunity to influence the outcome of the decision-making processes, the inputs from members of the public hardly find expression in some of the legislation that is passed. Members of Parliament are deployed by their respective political parties, and carry the mandate of their respective parties in Parliament despite being public representatives elected by the voters. The respondents felt that, much as the public may oppose specific legislation, the decision to accept or reject the inputs of the public is dependent on members of that particular parliamentary committee, in particular, members of the majority party who have greater numbers and influence in the parliamentary committees.

One of the respondents in the study mentioned the example of the Road Accident Fund (RAF) Amendment Bill for which the Portfolio Committee on Transport undertook nationwide public hearings. Despite the majority of the people who were consulted expressing opposition to the processing of the Bill, the committee voted in favour of the Bill to be passed by the National Assembly. The respondents felt that toeing the political party line by members deployed in parliamentary committees is not in line with the principles of participatory democracy.

4.9.3.4 Parliamentary Constituency Offices (PCOs) and Parliamentary Democracy Offices (PDOs)

The question put to the respondents centred on the role of the PCOs and PDOs in promoting the work of Parliament. The respondents were of the view that the PCOs lacked capacity to deal with public queries, and were also politically managed. In addition, MPs were not always present in their constituencies to deal with queries from the public, and feedback on matters raised by the public is often poor.

In relation to the parliamentary democracy offices (PDOs), the respondents indicated that the PDOs were established as early as 2005 as a pilot project and the plan was to expand the presence of these offices into all nine provinces so that the parliamentary presence could be close to the people. However, due to limited resources, Parliament has not been able to expand the PDOs into other provinces besides the three provinces (Northern Cape, North West and Limpopo) that were part of the pilot project. The respondents indicated that PDOs assisted with the identification of the relevant stakeholders to solicit public input. However, their accessibility to geographically remote areas is a concern, and there was inadequate understanding of their mandate from members of the public. In addition, insufficiency of resources allocated to the PDOs to implement outreach programmes to communities was highlighted as a major hindrance to PDOs in executing their mandate effectively.

4.9.3.5 Committee sittings

The respondents were requested to express their views on committee sittings as a platform for members of the public to participate in the work of Parliament. One of the respondent in the study argued that committee meetings are supposed to be held away from Parliament, close to communities, for the public to participate easily in the

committee proceedings without having to travel to Parliament, which is costly and not affordable by many members of the public.

The other respondents were of the opinion that inadequate access to information is a hindrance preventing ordinary members of the public from attending the committee meetings, and also raise their issues. Committees schedule various sittings that seek to promote public involvement such as colloquiums, workshops, planning sessions, indaba and ad hoc matters of public interest where members of the public are encouraged to participate in the deliberations and raise their concerns.

The respondents held the view that the majority of the people that frequent these meetings were civil society organisations, business representatives and stakeholders that are part of the committees' databases. The respondents also alluded to procedural inadequacies such as late cancellation of meetings, changing of meeting agendas and venues, non-inclusion of meetings in parliamentary papers as some of the flaws in Parliament's quest of promoting public participation in committee activities.

The respondents echoed similar concerns with respect to the underutilisation of social media technologies by Parliament to promote committee sittings. Consequently, Parliament has one channel in which its meetings can be broadcast live through pay-channel television, and those who do not have access to pay TV are unable to follow the proceedings. The respondents also indicated that the majority of the committee rooms in Parliament do not have recording facilities which enable the public to follow the meeting proceedings live through online platforms such as YouTube or the parliamentary website, in comparison with parliaments in developed countries.

The respondent from the Parliamentary Communication Services (PCS) highlighted red tape as being a major hindrance to the effective use of social media platforms to promote committee proceedings. For media alerts or similar content seeking to promote committee meetings to be published, the approval of different authorities within the institution is required.

Inadequate capacity within the PCS unit was highlighted as a major issue. According to the respondent from PCS, there was no dedicated media officer for each of the parliamentary committees; one parliamentary communications officer is responsible for an average of five committees and this becomes a problem if the particular officer travels with another committee outside of Parliament. Media alerts and notifications

are very critical in promoting the work of Parliament; however, from the feedback of the respondents, Parliament does not seem to have a clear policy and guidelines on the use of social media technologies to enhance public involvement in the work of committees. Thus, the absence of a policy, or guidelines, makes it very difficult for parliamentary media officers to utilise social media platforms to attract public involvement in the work of committees.

4.9.3.6 Petitions

The majority of the respondents seemed to lack insight concerning the utilisation of petitions as means to encourage public involvement in the work of Parliament. Inadequate information on the petitions in general was noted as a concern, given that members of the public are not well informed about the petitions process.

The respondents were of the opinion that the petitions process in Parliament is onerous, given that petitions must be submitted to the Secretary to Parliament who reviews them for correctness of form and content, and then decides whether it should be sent to the Speaker of the NA or the Chairperson of the NCOP. Moreover, the rules of the NA or the NCOP do not provide specific details with respect to the time frame for processing petitions when they are finally referred to a specific petitions committee. Thus, the feedback or outcome of the petitions process can be very long.

According to the respondents, there is no system in place in Parliament to deal with online petitions and to speedily resolve the concerns raised in those petitions. Parliament has a petitions committee that normally deals with all the petitions submitted by members of the public. In some instances, petitioners are invited by the committee to provide oral presentation of their petitions, depending on the content of the petition. The respondents apportioned blame to the general lack of media attention and members' interest in the petitions process as a hindrance in the utilisation of petitions to influence the work of Parliament.

4.9.4 Theme 3: Monitoring and Evaluation

The question in respect to M&E sought to verify whether Parliament has systems in place to undertake monitoring and evaluation of its mechanisms to facilitate public participation. The respondents indicated that the importance of monitoring public involvement in the work of Parliament is essential, given that the institution needs to

be efficient and undertake proper coordination of its activities that seek to promote public participation. However, monitoring has not been fully explored as a tool to measure the efficiency and effectiveness of the institution's mechanisms to promote meaningful public participation.

The respondents revealed that the planning of institutional public participation activities, as mentioned earlier in the study, is not streamlined and inadequate coordination makes it very difficult to have proper monitoring systems of the institutional events. The institutionalisation of M&E in Parliament was also noted as an area of weakness by the respondents, given that it is not embedded in the institutional organogram.

The respondents also pointed to the inadequate evaluation of the implementation and impact of the institutional public participation strategies. In addition, the respondents were of the view that evaluation of the implementation of the institutional public participation activities, such as public hearings on a specific piece of legislation, would help Parliament to overcome the difficulties that are constantly experienced during the coordination of this activity.

The respondents pointed out the absence of regular impact evaluation reports on institutional events as another area of weakness in Parliament. According to the respondents, it has been a practice for Parliament to commission task teams to review the impact on some of the work of the institution, but this is only implemented on an ad hoc basis. The respondents were also of the opinion that the institution does not have a fully capacitated M&E directorate unit, to which all the different sections of Parliament are required to submit regular M&E reports on institutional activities. The Office of the Secretary to Parliament has very few staff members who specialise in M&E. How, they execute their M&E management function is hardly shared with other units in Parliament, given that M&E is not embedded within the work of Parliament in its entirety.

The respondents emphasised that the means of evaluation that are prevalent in Parliament concerns the use of reports and debriefing sessions conducted after the institutional events. It is very rare for Parliament to conduct feedback sessions for the respective participants after its public participation activities, or to provide means for such participants to receive proper feedback. The respondents' overall impression was

that the institution spends a lot of money on public participation in its law-making and other activities, while little has been done to determine the impact of such interventions in the lives of ordinary citizens.

4.10 DOCUMENT ANALYSIS

The use of documentary sources in the study was due to the need for factual evidence to define the public participation concept within the context of Parliament in addition to the primary data collected through interviews. The document study was focused on various documents related to public participation. The documents that were used to analyse public participation within the context of Parliament included, but was not limited to: journals, academic books, newspaper articles, research reports, official parliamentary documents, the Constitution and related policies on public participation.

The research questions that were focused on in exploring public participation-related documents included:

- What constitutes public participation and its relevance to law-making and other activities of Parliament?
- What are the mechanisms and strategies utilised by Parliament to enhance public involvement in its activities?

4.10.1 Understanding public participation and its relevance to the law-making and other activities of Parliament

The afore-mentioned documents provided valuable insight regarding the notion of public participation and its importance in the work of Parliament as a democratic institution that represents ordinary people and provides a platform for the consideration of issues of public interest. The insight provided by the documents provides a clear picture of the values and principles underpinning public participation, especially as it relates to promoting public involvement in the work of Parliament.

Public participation has been defined in various ways by different authors; therefore, there is no common definition of the concept, as discussed in detail in the literature review for the study. However, the most common argument among the different scholars is that public participation is a process by which organisations or similar

organs of state consult with interested or affected individuals before making a decision. Thus, public participation gives an opportunity to those who are affected by decisions to make their voices heard before a final action is implemented.

Furthermore, with respect to the aspect of consultation, the documents that were studied revealed that public participation is aimed at solving problems and reaching common ground between the decision makers and those affected by the decision. In this regard, organisations ought to provide means to inform the public about their plan of action, as informing is a critical step towards encouraging those affected by the decision to make a meaningful contribution on the subject for discussion. Constitutional democracies such as South Africa are expected to consult on matters that have the potential to infringe on basic human rights.

The documents that were studied provided detailed information regarding the significance of public participation as it relates to the law-making and other activities of Parliament. The Constitution of 1996 and related public participation policy documents were examined to determine the purpose of public participation in a participatory democracy. In this regard, the documents revealed that public participation is imperative in the law-making and other activities of Parliament, as it allows citizens to put to practise their constitutional right of influence in the outcome of the decision-making processes of Parliament. In addition, the duty to involve the public is obligatory, and such obligation requires Parliament to uphold the Constitution in the execution of its law-making mandate.

In essence, the document study revealed that public participation is a critical ingredient of democracy and, when utilised meaningfully, can help to shape the future of the country. Public participation places considerable emphasis on promoting collaboration, active citizenship, democracy and human rights, which are the essential features of a modern democracy. In addition, the document study also highlighted that there has been concerted effort to promote the exchange of ideas between the electorate and their representatives in Parliament to strengthen democracy.

4.10.2 Public participation strategies and mechanisms of Parliament

The second research question that was addressed through exploring document study included:

- What are the mechanisms and strategies utilised by Parliament to enhance public involvement in its activities?

The document study utilised to address this question mainly focused on exploring parliamentary documents. The document study revealed that Parliament has different mechanisms in place to encourage public involvement in its activities. In this regard, since the advent of the 4th Parliament, one of the strategic priorities of the institution has been to increase public involvement in its activities and build a responsive people's Parliament. The establishment of the Public Education Office in Parliament affirms that the institution has been committed to encourage the public involvement in its decision-making processes.

The document study revealed that Parliament, in executing its mandates, should ensure that government is held accountable for its actions and the institution as a platform for the consideration of public issues, should provide means for enabling public participation through various mechanisms. The Constitution specifies that the legislative authority of the republic is assigned to Parliament, and the main responsibility of the legislature is to ensure that legislation initiated by the Executive is debated in an open public forum and that citizens are afforded an opportunity to have a say in outcome of the decision-making processes.

The document study revealed that Parliament recognised the need to operate within a structured framework of participation. In this regard, the Public Participation Model (PPM) was adopted by Parliament in 2016 and seeks outline and mainstream norms and standards for public participation processes and procedures to achieve meaningful participation of the public in the law-making and other processes of Parliament. As mentioned in Chapter 3, the model serves as a guideline for the roll-out of meaningful public participation in the work of Parliament.

Furthermore, the study of documents revealed that it is only in the advent of democracy that citizens were afforded opportunities to express themselves in the processes of Parliament. The mechanisms by which Parliament enables the citizens

to express their views include public outreach programmes, public hearings, committee meetings, petitions, parliamentary and constituency offices but are not limited to these.

In addition to the afore-mentioned public participation strategies/mechanisms, the document study revealed that Parliament has a Public Education Office (PEO) established with the purpose of developing and implementing public education programmes to improve public participation and involvement in the processes and activities of Parliament. As mentioned in previous chapters, for the public to actively engage in the activities of Parliament, they need to be equipped with information which will enable them to influence the outcome of the decision-making processes that affect their lives. In this regard, the PEO implements awareness programmes about the work of Parliament.

In summary, the document analysis revealed that, following the advent of the democratically elected Parliament, there have been concerted efforts to encourage public involvement in the activities of Parliament. In this regard, the enhancement of public involvement became a strategic priority for Parliament, symbolising its commitment to being a platform for the consideration of public issues. Notwithstanding the commitment of the institution to encourage public involvement in its activities, the document study revealed that there are still challenges that hinder the ability of the public and interested parties to participate and make meaningful contributions in law-making and other activities of Parliament.

4.11 SUMMARY

This chapter began by providing a description of the research methodology utilised in the study. The study made use of interviews and document study as data collection methods. A qualitative research design was utilised, given the nature of the study, which sought to understand human experiences with regard to the implementation of public participation at Parliament. Non-probability sampling was used to select the respondents for the study who were selected on the basis of their expertise in the facilitation of public participation in Parliament. In terms of data analysis and interpretation, the study used content analysis as the main data analysis technique.

The data presented here demonstrates that Parliament is committed to provide the public with access and opportunities to express their input on matters of public interest in order to influence the outcome of the decision-making processes. The interviews that were conducted revealed a predominant view of the strategies/mechanisms employed by Parliament to solicit public input as being good on paper, but that there, in reality, are a number of structural and systemic challenges that inhibit meaningful participation of the public in the work of Parliament.

The interviews revealed shortcomings in respect of synchronisation and proper coordination in the work of the different units/sections involved in the planning of the public participation activities of the institution. As revealed by the data, the working-in-silos approach is revealed as not assisting the institution to implement the best fit approach for public participation.

The analysis of the document study revealed that public participation is a critical ingredient of democracy, and that this contributes significantly to the shaping of the country's future. In addition, the document study revealed that Parliament is committed to promote public involvement in its activities through various mechanisms, but still more needs to be done in order to equip the public with skills and knowledge to enable them to be actively involved in the activities of Parliament.

The next chapter deals with the findings and interpretation of data that were collected from interviews and the document study.

CHAPTER 5

FINDINGS AND ANALYSIS

5.1 INTRODUCTION

Chapter 4 provides an overview and discussion of the research design and methodology, including the presentation of the data emanating from the research study. This chapter presents the findings regarding the extent to which Parliament facilitates public participation in law-making and other activities. The findings are also consolidated on the basis of the objectives of the study. A body of literature on public participation was reviewed to give context to this study and analysis of the significance of public participation in law-making and other processes of Parliament was conducted on data obtained through interviews with key officials involved in the facilitation of public participation.

The next section deals with the findings and interpretation of the data that were collected through document analysis and interviews. The findings are also presented in line with the objectives of the study, as explained in Chapter 1.

5.2 DISCUSSION OF THE FINDINGS

5.2.1 Objective One: To define public participation within the context of Parliament and Objective Two: Review literature on public participation and provide a clear and balanced picture of the current leading concepts, theories and data relevant to the topic of the study.

The primary and secondary data that were generated in terms of Objectives One and Two found that public participation is described differently by different scholars. However, the document analysis suggests that public participation contains basic elements such as involvement and consultation by organisations with those who are affected by decision-making processes. The findings also point to the fact that public participation in the context of Parliament means affording the public a platform to express their views in the decision-making processes so that their interests and needs are taken into consideration. Consequently, Parliament ought to conduct its business

of serving the interests of broader society by having a motivating environment which seeks to encourage active citizenship with regard to its democratic processes.

A significant finding that emerged under these objectives is that the participants in the study understood the significance of public in the context of Parliament. In the literature that deals with public participation, Creighton (2005) and Nzimakwe (2012) stresses that it is a two-way process aimed at improving the outcome of the decision-making processes. The findings suggest that there is a need for improvement in the manner in which Parliament positions itself as a democratic institution that seeks to be at the forefront in respect of participatory democracy. In this instance, public participation should not be implemented through a top-down approach, as the findings suggest. The findings also suggest that public participation in Parliament is at the level of informing and consulting.

Another critical issue emanating from the findings through document analysis is that public participation forms part of Parliament's strategic priorities, and the duty to involve the public in the work of Parliament is a cornerstone of democracy. The inclusion of public participation as a strategic objective emanated from the institution's commitment to enhance public involvement in its activities in line with the principles of participatory democracy. The participants were also in agreement that Parliament, in principle, is committed to encourage public involvement in its activities. However, the institution has not reached a phase of implementing meaningful public participation where public inputs influence the decision-making processes, according to fifth stage of the IAP2 Public Participation Spectrum.

The document study points to the fact that the Constitution guarantees the right for the public to express their views in the law-making and similar activities of Parliament. Sections 59 and 72 of the Constitution make provision for Parliament to conduct its business in a manner that reflects a true representative democracy, by encouraging public participation in the legislative and other activities of the institution. However, the Constitution does not define clear parameters on implementation of public participation, and responsibility is given to Parliament to determine how best it can fulfil this constitutional provision. This provision in the Constitution appears to be a bone of contention as Parliament has been afforded the liberty to determine how best it can facilitate public participation in its activities.

Following document analysis, the findings also suggest that the courts also reinforce Parliament's duty to facilitate public participation in its law-making and other processes; however, the separation of powers doctrine dictates that each arm of the state is independent from the other, thus the courts may not prescribe how Parliament undertakes its business. Over the years, Parliament has fallen short of providing the public with opportunities to exercise meaningful participation in the democratic processes.

It is worth mentioning that, in the context of the study and what it aimed to achieve, the participants' knowledge and understanding of public participation in the context of Parliament provided rich discussion which enlightened the researcher with respect of the significance of the concept of public participation.

5.2.2 Objective Three: To explore the challenges of public participation in Parliament and provide an overview of the strategies and mechanisms used by Parliament to facilitate public participation, and the legislative framework on public participation

5.2.2.1 Public participation events

The study of the relevant parliamentary documents and responses from the participants in the study showed the inherent significance of public participation events in the work Parliament. The documents revealed that the public participation events were introduced as the means to provide rural communities with a platform to express their views on the decision-making processes of Parliament. Consequently, the duty of ensuring public participation in the activities of Parliament are what the institution exists for. One of the key issues that emerged from the participants' concerns limited financial resources for supporting and expediting these events. The findings also reveal discontent in respect of the accessibility of Parliament to marginalised communities, and the decline in the funding of these events which may result in negative repercussions for the institutions' objective of reaching out to the neglected people in society.

The document study revealed that the systems that are in place to communicate feedback to the participants after the conclusion of these events or political outreach

programmes are inadequate and this undermines the principle of participatory democracy. For instance, Ben-Zeev (2014:24) asserts that “the primary critique of these programmes is that they do not have significant influence and are little more than talk shops for which follow-up processes are extremely poor”. Thus, communication between Parliament and the people should be two-way, meaning that people must know whether their views made a difference and, if not, the reasons for this.

The researcher is of the view that it is fundamental that Parliament provides individuals or organisations that participate in the parliamentary events with feedback regarding their submissions and to also explain the processes in place to ensure that action is taken to deal with their issues. In addition, Parliament needs to undertake follow-up visits to these communities and to closely monitor the progress made by the organs of state that are responsible for the service delivery requirements of those particular communities.

5.2.2.2 Public education

The documents analysis states that access to information is critical for encouraging meaningful participation of the public in the activities of Parliament. In addition, the findings from the respondents’ responses indicate that the public education office (PEO) has a responsibility to provide information about Parliament and its work. In this instance, strategic objective (2) of Parliament places an obligation on the institution to increase public involvement and participation in its activities. The PEO consequently has over the years developed various strategies aimed at educating the public about the work of Parliament.

The document study and findings from the participant’s responses revealed that Parliament’s public education initiatives were inadequate and insufficient to reach the large population due to limited capacity within the PEO that is mandated to execute this critical mandate. This assertion is supported by Arendse (2014:239), who states “that much more is required in order to educate and empower citizens with regard to active citizenship in a democracy, for members of the public to be able to make meaningful contributions when participating in various democratic structures, such as Parliament”. Thus, unless ordinary people understand the mechanisms in place to submit their legitimate demands on matters that affect their lives, public participation

in Parliament will remain a privilege for the few elites and civil society organisations. In addition, the Constitutional Court in a number of judgements ruled that people must be given enough time and information so that they participate meaningfully in the activities of Parliament. Sefora (2017:95) supports this when she indicates that “public participation can be successful and effective if the public is empowered to make relevant and meaningful inputs to the committees of Parliament”. As mentioned earlier in the study, members of the public can only participate in parliamentary processes if they understand the structure and systems of Parliament.

The findings from the document study and participants in the study highlight inadequate funding as a major hindrance in the Parliament's efforts to reach out to geographically remote areas and to distribute the relevant material to inform the public about the work of Parliament. Consequently, the issue of staff shortages to support the programmes of Parliament became apparent, and it seems evident that there was no immediate plan in place to mitigate this challenge. In addition, the findings also pointed out the ad hoc distribution of learning materials to schools and specific communities during the Parliamentary events as being ineffective. While it is not impossible to encourage a far larger part of the population to be involved in the work of Parliament, Parliament needs to be more innovative and inventive around how it implements public education programmes. This claim is supported by Sefora (2017:95) who states that “Parliament needs to do better to foster understanding of its processes so that the public may engage more effectively with the institution”. Thus, Parliament ought to have long-term strategic interventions to roll out massive public education programmes that will enhance meaningful public participation.

It is important to note that, despite the issues raised with regard to inadequate funding to expand the public education programmes towards reaching out to a wider population, the existing programmes and initiatives of Parliament need to be recognised. In addition, it is also important to note that Parliament has been committed to encouraging public participation in its activities by a strategic priority which is dedicated to enhance public involvement in its work. The findings derived from data sources also acknowledged that Parliament has instituted dedicated public education programmes aimed at encouraging public involvement in its activities, but the greater emphasis is placed on the need for improvement of what the institution has been implementing thus far.

5.2.2.3 Public hearings

The findings from the data demonstrate that the mechanism of public hearings is the most common form of public participation used by Parliament to engage with the general public on any particular issue that affects their lives. It is also important to note that public hearings are obligatory when Parliament deals with legislation or policy matters that affect a large segment of the public. However, the document study revealed that neither the Constitutional Court nor the rules of Parliament go into detail with respect to the procedural requirements that apply to public hearings. Consequently, the duty to facilitate public hearings rests on Parliament, and there are a number of procedural inadequacies with respect to the scheduling of public hearings by Parliament, as highlighted by the respondents.

The findings from the study pointed to the need for due processes to be followed in organising public hearings. In this regard, due processes require that Parliament give proper notice to the public before they submit their input. In support of this assertion, Waterhouse (2015:33) warns that “many participation processes fail to consider how invitation, venue, and time of day may exclude affected stakeholders from the engagement”. Thus, the purpose of notice/s is to notify those that may be affected by the proposed action and allow them time to prepare their input and attend the public hearings. The findings therefore show that the processes of providing notice/s or information to the public concerning the subject of discussion have major weaknesses, as raised by the respondents. This is also attributed to the fact that Parliament does not have a centralised public participation unit to deal with all the queries related to public participation.

Another challenge emerging from the findings relates to the scheduling of public hearings as an obligatory practice, as opposed to a platform for empowering the public to influence the outcome of the decision-making processes of Parliament, is an area of concern. In support of this claim, Waterhouse (2015:60) states that, “although formal discussion on issues take place in committees, many decisions, particularly those relating to more politically charged issues, are actually taken in party political caucuses and are significantly influenced by party positions”. The respondents also held the view that a lot of public hearings take place because of their compulsory nature and not out of conviction and commitment to involving people in decision-making processes.

The study's findings suggest that language plays an important role in the ability of the citizens to meaningfully engage in the activities of Parliament. In addition, what became apparent from the respondents' responses is that Parliament needs to be mindful of the fact that the majority of ordinary citizens are not literate. Thus, the dominant use of English as a means to conduct parliamentary proceedings and print official documents does not encourage meaningful public participation by ordinary people. In support of this assertion, Sefora (2017:96) states that "the English that is used in the official documents of Parliament is very technical and difficult to understand for an ordinary person who does not have proper education". In addition, Parliament also needs to be mindful of people living with disabilities such as visual impairment, thus there is a need to accommodate this segment of society in the efforts to promote public involvement.

A significant finding that emerged through examining public hearings as a means to encourage public involvement in the work of Parliament is the importance of feedback. Providing feedback to those who participate in public hearings is an expression of appreciation and commitment that public input would be considered in the decision-making processes. The findings from the study suggest that feedback following public hearings is an area of weakness for Parliament. This claim is confirmed by RIPAP which notes that "participants seldom see their views reflected in reports of the hearings, and consequently do not know whether their submissions have any impact on policy or legislation" (Parliament of the Republic of South Africa, 2009:57). This certainly is discouraging, given that ordinary members of the public invest time and resources to prepare their inputs in the hope that Parliament will consider their views.

In essence, the findings suggest that public hearings are significant and are the most common and frequently used mechanism by Parliament to facilitate public involvement in its activities. Despite being popular, the findings from the interviews and document study elicited a number of shortcomings in respect to the manner in which public hearings are being implemented to encourage public participation in the activities of Parliament.

5.2.2.4 Parliamentary Constituency Offices and Parliamentary Democracy Offices

The findings from the data collected from interviews demonstrate that the parliamentary constituency and democracy offices are not easy to access, especially for people in geographically remote areas. These offices are located in the urban areas, and in rural settings the common practice is to have the office in town, mainly for logistical reasons. The majority of people who need access to these offices are those who are based in geographically remote areas where they do not have easy access to information about Parliament and its activities.

The study of the relevant documents suggests that the parliamentary constituency offices (PCOs) are politically inclined. RIPAP also states that “constituency offices were originally intended to be apolitical structures; however, it appears that they have increasingly taken on a party-political identity” (Parliament of the Republic of South Africa, 2009:58). This was not the purpose when the PCOs were established and they were not meant to be partisan, given that the funding allocated to these offices is from Parliament, not from political parties.

The parliamentary documents place a huge responsibility on constituency offices to serve the needs of all members of society, irrespective of their political affiliation. However, the difficulty concerning the electorate system of South Africa is that the elected representatives (MPs) are not elected directly from a constituency and many people do not know who their MP is or where to find the constituency office. This notion is affirmed by Waterhouse (2015:73) who asserts that, “under the current closed proportional representative electoral system, there is no motivation for elected representatives to be responsive and accountable to the public”.

Members of the public (voters) are also not well informed about the responsibilities of their representatives (MPs) to provide constituency services, especially in the rural areas. This relates to inadequate access to information concerning Parliament’s work and ability to reach out to a large population as discussed in the study. In addition, it is a cause for concern that the findings demonstrate that Parliament does not have the requisite capacity to monitor constituency work.

5.2.2.5 Committee meetings

The findings from all the data sources demonstrate that Parliament has made significant progress in conducting its sittings in an open and transparent manner. Consequently, members of the public are welcome to attend committee sittings, including the proceedings of the House, provided that they produce their identification documents to have access to the parliamentary precincts. This is supported by the Public Participation Framework (PPF) which states that “the public has access to all sittings of the House as well as standing and portfolio committee meetings” (Parliament of the Republic of South Africa, 2013:57).

The findings further revealed that the geographical location of Parliament in Cape Town is something of a hindrance for those who wish to attend the committee or House sittings and do not have the financial means. Sefora (2017:99) affirms this, stating that “citizens who wish to make representations in Parliament need to take long trips which cost them a lot of money”. Consequently, some of the respondents recommended that Parliament convenes some of its meetings outside its precincts to be close to communities.

Another challenge emerging in respect of committee meetings was the underutilisation of social media by Parliament for publishing the committee sittings to a wider population. Timely dissemination of information concerning the work of parliamentary committees would contribute to the improved attendance of and participation of members in public at committee meetings.

5.2.2.6 Petitions

The findings from the data sources revealed that there are significant challenges with respect to the processing of petitions by the committees assigned to process them because of the number of petitions received. Consequently, the backlog in the processing of petitions has major implications for the manner in which Parliament encourages the use of petitions as a means to promote public involvement in its work.

The findings revealed that the stringent requirements for petitions which entail that they must be signed, that the identity details of the petitioner must be included and motivation of such petition be clear are too formal and require people with resources and some level of literacy. Thus, it is very unlikely that the majority of ordinary people

from remote areas would have the capability to submit petitions. It is the view of the researcher that Parliament needs to review some of the requirements for petitions so that more people can make use of this option to submit their queries. These requirements also need to be advertised clearly on Parliamentary websites and other places, so that everybody gets to know what the requirements are.

5.2.2.7 Monitoring and Evaluation

The findings demonstrate that M&E of the work of Parliament still needs to be reviewed and developed to improve the effectiveness of the institution's mechanisms and enhance meaningful public participation in its activities. Monitoring is essential in the work of Parliament for assisting the institution to identify areas of weaknesses during the implementation of its mechanisms, so that corrective measures can be applied in early stages of the project or intervention to improve its desired outcomes. Thus, the absence of clear guidelines and standardised monitoring systems for the institution as whole is an area which needs improvement.

Evaluation, on the other hand, aims to determine the relevance and fulfilment of the intervention's objectives. In addition, an evaluation provides credible and useful information to enable the incorporation of lessons learned into the decision-making processes. Ho (2003:70) adds that "evaluation goes further than tracking and reporting the programme's outcomes". The findings demonstrate that Parliament has good intentions in implementing the various mechanisms to enhance public participation in its activities; however, the assessment of the impact of the institution's interventions is inconsistent. Often, the assessments of the institutional interventions do not include the opinions of external stakeholders, making it difficult to deduce their effectiveness.

Parliament is expected to demonstrate that it is making a real difference in the lives of citizens by executing its legislative, oversight and accountability mandates effectively. Without proper M&E tools, it will be difficult for the institution to assess the impact of its interventions against its stated objectives.

5.3 SUMMARY

The findings of this study presented a range of shortcomings and strengths relating to public participation within the context of Parliament. The main objective of this study was to examine the mechanisms used by Parliament to facilitate public participation in its activities and to determine whether they contribute to the outcome of the decision-making processes. In this chapter the findings have been analysed, interpreted and discussed with reference to the literature and collected data on public participation. In addition, this study sought to identify weaknesses in the existing mechanisms/strategies of Parliament with the objective of drawing conclusions and offering recommendations regarding best practices that may be utilised by the institution to improve its facilitation of public participation.

The analysis and interpretation of the data show that there is good understanding regarding the concept of public participation and its significance in the democratic processes of Parliament among the respondents. This suggests that the respondents have been exposed to public participation and the mechanisms by which Parliament encourages public involvement in its work. The findings illustrate that Parliament is committed to public participation as the document study revealed that enhancing public involvement forms part of the institution's strategic priority that also informs the planning of the institution. In addition, the adoption of the Public Participation Model (PPM) in 2016 further strengthened the institution's commitment to public participation.

It is worth noting that the findings revealed areas of weakness in the manner in which Parliament facilitates public participation in its activities. The findings also revealed that inadequate funding is a major hindrance to the ability of the institution to carry out public participation initiatives and expedite them to reach the wider population. Notwithstanding inadequacy of funding, it must be noted that the institution has work to do in correcting its institutional arrangements with respect to facilitating public participation in its processes. In addition, much more is required to educate the public about the work of Parliament, so that members of the public may be able to make use of available opportunities to contribute meaningfully to matters that affect their lives.

The next chapter presents the conclusion and recommendations derived from the findings of the study.

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

6.1 INTRODUCTION

This chapter presents the overall conclusion of the study and the recommendations in response to the execution of public participation in Parliament. This study was undertaken to make an assessment of public participation in the law-making and other activities of Parliament. In doing so, a critical review of the current mechanisms and strategies used by Parliament to encourage public participation in its activities was deemed necessary. This review enabled the researcher to answer the research question of the study, which sought to explore the challenges of public participation in Parliament and determine the extent to which the mechanisms used by Parliament in its law-making and other processes contribute to meaningful public participation to enhance decision-making.

The next section provides an overall conclusion of the study on the basis of the theoretical review, findings and analysis of the study.

6.2 CONCLUSION

The purpose of this study was to explore the concept of public participation within the context of Parliament and its significance as per the constitutional imperatives. The intent of the study's research question was to explore the challenges of public participation in Parliament and determine whether the public participation strategies/mechanisms employed by Parliament in its law-making and other activities contribute to the outcome of the decision-making processes to improve the lives of the ordinary citizens. In seeking to provide responses to the main objectives of the study, the researcher investigated the different theoretical meanings of the concept of public participation and the legal and policy framework to assess the facilitation of public participation in the law-making and other activities of Parliament. The selection of respondents with requisite experience in public participation was also necessary to provide empirical evidence to the conclusion of the study pertaining to public participation and its roll-out in the activities of Parliament.

Public participation is no longer a new concept in South Africa. The Constitution locates Parliament at heart of democracy in terms of its role in representing the citizens

in the execution of its law-making, oversight and accountability mandates. Parliament has undertaken a number of initiatives to improve public engagement in its processes, and public participation forms part of its strategic priorities. It is worth noting that the existing frameworks in place to ensure the participation of ordinary citizens in the work of Parliament, such as the Public Participation Framework (South African Legislative Sector, 2013), Oversight Model of the South African Legislative Sector (South African Legislative Sector, 2012) and the Public Participation Model of Parliament (Parliament of the Republic of South Africa, 2016a) are well developed and contain the best fit models of public participation.

The conclusion of this study is that a number of challenges hinder the execution of meaningful public participation in the law-making and other activities Parliament. In addition, an assessment from the study of the strategies/mechanisms utilised by Parliament to promote public participation demonstrates that they add little value to the outcome of the decision-making processes. This has been noted by Sefora (2017:109) and Waterhouse (2015:74) who maintained that the public participation strategies used by Parliament are ineffective and fail to promote the spirit of democracy. The researcher concurs with the sentiments expressed by these researchers on the basis of the analysis of the responses by respondents in the current research.

This study argued that access to information is a fundamental requirement for enabling the public to contribute meaningfully to the decisions affecting their lives. Sefora (2017:109) has also stated that citizens without basic knowledge of Parliament find it difficult to engage at the most fundamental level. The 2006 Constitutional Court judgment also emphasised the issue of access to information by compelling Parliament to ensure that people are provided with information on the subject under discussion and be given enough time to prepare for consultations. Thus, it is evident that access to information and basic knowledge about the law-making and similar processes of Parliament plays a vital role in enabling citizens to contribute optimally to matters affecting their lives.

The question of who is consulted became apparent in the study. Parliament provides various opportunities for the public to participate in the decision-making processes; however, not everyone is able to participate equally. Meaningful public participation

takes into consideration the importance of providing opportunities for marginalised people from geographically remote areas to also take part in the decision-making processes of Parliament. These are the people who cannot afford transport to attend parliamentary events or are unable to comment due to a language barrier. The importance of providing information about bills, policies and state organ reports in simple language that is easily understood by people in marginalised communities is overlooked and is further another hindrance to meaningful participation.

The study also emphasises the importance of the outcomes of the public participation processes. As shown in the findings, members of the public take part in the law-making and other processes of Parliament with the hope that their submissions will influence the outcomes of the decision-making processes that affect their future. There is concern that their inputs are not considered seriously when it comes to passing laws or formulating policies. Elected representatives are more inclined to focus on their positions in the political party, rather than on the values of democratic processes, as presented in the findings of the study. The 2006 Constitutional Court judgement ruled that “for public participation, to be meaningful, it must provide people with a reasonable opportunity to influence the outcome of the decision-making processes”. This pertains to all citizens, not just to supporters of the ruling political party.

6.3 RECOMMENDATIONS

The recommendations that are made are primarily based on the findings of the empirical study, the theoretical analysis and the assessment of the mechanisms for facilitating public participation in the law-making and other activities of Parliament. These recommendations are directed at Parliament, with specific reference to the core business division which largely oversees the facilitation of public participation within the institution.

The majority of the recommendations refer to the mechanisms that Parliament already utilises to facilitate public participation in its activities, and others are proposals that could be explored to enhance meaningful public participation as drawn from the responses of the respondents. Whilst some of the recommendations may not be new, most of them emerged from the findings of the study and can be useful for consideration by Parliament.

6.3.1 Providing information

6.3.1.1 Parliamentary website

The parliamentary website is an essential tool for the public to access information concerning the work of the institution. However, the website can only be utilised by those who have data or Wi-Fi connectivity. Given the high number of unemployed young people and adults in the country, it is recommended that the parliamentary website be zero rated, thereby allowing members of the public to access it without being concerned about data charges. In doing so, more people will be able to visit the website and access content on parliamentary business which will enable them to learn more about the institution and when to participate in its activities. The website had 685 650 visitors in 2018 (Parliament of the Republic of South Africa, 2018:15) and this number could increase significantly if the zero rating can be applied. Parliament ought to engage the network service provider/s to discuss this proposal.

The parliamentary website should be simplified to cover important information by means of podcasts and videos explaining the different aspects of Parliament, and virtual tour and short guide explaining how people can engage in the activities of the institution with the inclusion of audio clips to accommodate people with visual impairments.

6.3.1.2 Social media

Social media networks could provide an important and effective communication channel for promoting the work of Parliament, given the number of people who have access to mobile phones in South Africa. Parliament had 532 621 Twitter followers and 753 417 views on YouTube (Parliament of the Republic of South Africa, 2018:18) and these numbers suggest that there is huge potential in utilising social media to reach out to more citizens who are technologically informed.

The findings of the study highlighted red tape as one of the challenges hindering the effective use of social media technologies. Parliament should therefore consider the possibility of eliminating the bureaucratic processes that need to be adhered to before the parliamentary communications officers (PCOs) can issue media statements on behalf of the institution by means of social media platforms such as Twitter and Facebook.

Parliament should consider the possibility of ensuring that each committee has a Twitter and Facebook account that will continuously provide updates about the business of any particular committee, and the committee secretaries could be given access to this function. Similarly, committee chairpersons could also issue media statements on the committee's account and also post information about issues of public interest for the public to be given an opportunity to engage online with the committee. In this way, Parliament will be seen as interactive and build a good relationship with the citizens.

Parliament should consider launching a WhatsApp number that will be on the website and in other publications of the institution whereby members of the public can be encouraged to submit queries or inputs on matters of public interests that could be referred to a relevant committee for further consideration. This recommendation is underpinned by the statistics which show that 35 percent of the population in South Africa use a smartphone (Statista, 2019). With such a proportion of the population having access to smartphones, communication with Parliament could be increased significantly. WhatsApp provides a good communication platform for submitting queries to Parliament or to access information on parliamentary business, even for those in geographically remote areas. In addition, Parliament should consider launching a zero rated application (Parliament-APP) which could be downloaded into smartphones easily, and this APP should contain important information concerning the business of Parliament and mechanisms for the public to submit their input/queries via the APP.

Effective utilisation of social media platforms such as Facebook, Twitter and WhatsApp to issue information about bills or other matters of public interest could help Parliament to generate an improved public participation opportunities and eliminate the excessive spending on print media that is accessible to those who have means to purchase newspapers.

6.3.1.3 Phone, email and media

Information about the business of Parliament is also communicated using the traditional means of telephones, email and media managed by the parliamentary communication services (PCS). Parliament has a general enquiries number that is used by the public to access information from Parliament or enquire about any matter.

However, this number is not toll free, and members of the public are charged according to network provides rates for calling. Considering the high unemployment rate in the country and households categorised as poor, it is recommended that the parliamentary number for general inquiries should be toll free, so that the public can have easy access to information concerning the work of the institution. In addition, this number should be included in all the publications that are distributed to communities as part of public education.

Parliamentary committees have databases of stakeholders to whom information is sent when committees discuss issues of public interest. The stakeholder databases include people who have a particular interest in a sector, not just ordinary members of the public. Thus, it is recommended that ordinary members of the public be offered an opportunity to be included in the stakeholder's list so that they are enabled to follow the committees' business.

Parliament has a unit (parliamentary communication services) that is responsible for all media-related activities of the institution. Given that staff capacity was cited as a major impediment in the effective media support given to parliamentary committees, it is recommended that Parliament recruits additional parliamentary communications officers (PCOs) to promote the work of committees through the issuing of media statements and other related services. An ideal situation would be to allocate two committees per PCO so that they can have sufficient time to follow the committee's work. The current status quo is untenable with six committees per PCO.

The use of radio as a means to communicate the work of the institution received considerable support from the respondents in the study. Parliament has been experiencing financial difficulties which prompted the institution to cease the use of radio stations to issue advertisements and other related information. It would be to the benefit of the institution to collaborate with community-based radio stations, so that they provide information about the business of Parliament. Community-based radio stations, unlike commercial radio stations, do not charge exorbitant fees for advertisements.

It is also recommended that Parliament consider the possibility of establishing its own radio station in the near future as it already has its own television channel. A parliamentary radio station could contribute significantly to bringing the latest news

about the institution to listeners, and also broadcast live plenary debates and committee meetings dealing with matters of public interest.

6.3.1.4 Public education

The roll-out of public education programmes regarding the processes of Parliament is fundamental for encouraging meaningful public participation. Thus, it is advisable that Parliament undertakes a review of its public education initiatives, and from the results of this review, eliminates all those initiatives that do not have an impact.

Parliament' in collaboration with the Department of Basic Education (DBE)' should find ways of infusing the schooling curriculum with basic information about Parliament and its processes, starting from primary up to secondary school. Parliamentary content presence in the schooling system from primary up to secondary school will contribute significantly to promoting active citizenship that is involved in the democratic processes of Parliament. In addition, Parliament should also consider training and empowering community development workers (CDWs) through workshops so that they can educate communities concerning basic information such as submitting queries or input into the parliamentary processes.

The researcher believes that it is important to include people with disabilities (PWD) in initiatives by Parliament to inform the public about its work. At present, the institution does not have the capacity to print its publications, reading materials or information brochures in braille or other accessible formats used by people with complete loss of sight or with visual impairment. It is recommended that the institution consider appointing a service provider that will translate publications/reading material into braille and other accessible formats for print-disabled people to also cater for this segment of the population. The visually impaired and other print-disabled people are prejudiced on an ongoing basis by Parliament's inability to cater for their needs. They are constantly excluded from reading printed parliamentary reading material, and these exclusions prevent them from exercising their constitutional right to equality and human dignity.

In addition, Parliament may consider establishing a disability unit that will cater for the needs of people with disabilities (PWD). This unit will be able to develop, receive and interpret content written in braille or other formats used by people suffering visual

impairment. Parliament ought to be inclusive of all the segments of society irrespective of their shortcomings.

6.3.2 Coordination

Arising from the findings of the study, there is a need for improved coordination in the planning and execution of the institutional public participation events. At present, the coordination of public participation activities is scattered between the different units of the institution (committees, public education office, NA and NCOP). These units have different budgets and human resource capacity, thus the extent to which they provide support to institutional public participation events is highly reliant on the availability of their respective resources. To eliminate the duplication and disjointed efforts of these units, Parliament ought to establish a public participation unit with a dedicated budget to coordinate all public participation programmes of the institution. This unit would afford public participation the attention it deserves as a core function. Public participation activities are most successful when they are well planned and coordinated.

6.3.3 Resources

5.3.3.1 Human resources

The shortage of resources to execute public participation meaningfully emerged as a major hindrance from the findings of the study. Starting with human resources, the shortage of staff, particularly in the Public Education Office (PEO) and parliamentary communication services (PCS) was emphasised. It would be to the benefit of Parliament to expand the human resource capacity of these units by embarking on a recruitment process to appoint additional support staff with the requisite skills and experience.

Given the concerns raised with respect to the implementation of the Public Participation Model (PPM) as shown in the study, it is imperative for Parliament to undertake an orientation/training programme for staff dealing with public participation to be empowered about the PPM. The orientation and training programme on the PPM will be to the benefit of Parliament, given that some support staff members are not exposed to the model and its desired objectives.

6.3.3.2 Financial resources

Funding was repetitively highlighted as a major hindrance in the efforts undertaken by Parliament to improve the uptake of public participation opportunities as revealed by the findings of the study. For Parliament to execute its basic mandates such as effective oversight of the Executive and to facilitate meaningful public involvement in its activities, a realistic budget needs to be allocated.

Given the fiscal restrictions and the prospect that the institution might not be allocated a budget equal to its requirements, Parliament ought to carry out an audit of the spending trends of its public participation initiatives. The outcome of this audit process would enable Parliament to invest its limited resources in public participation interventions that yield the best results.

The institution can also save significant resources by eliminating the printing of its daily parliamentary papers by following the digital route. Given that all MPs, including the support staff, have smartphones and laptops there is no necessity to spend the limited resources of the institution on printing which is also not good for the environment. Most of the parliamentary documents are available online through the ATC.

6.3.4 Opportunities for participation

6.3.4.1 Public participation events

The findings of the study noted that other segments of society such as women, people living with disabilities and people from lower socio-economic groups are often excluded from the institutional public participation events. It is imperative that convening of these events be undertaken in collaboration with community development workers (CDWs) and other relevant local structures so that they may be able to identify and mobilise the most marginalised members of society to participate in these events. Parliament ought to put a strategy in place to ensure that ordinary community members are reserved spaces in these events, in opposition of political party activists taking over the event.

Given that parliamentary events are community oriented, it is important that Parliament allocates more time for community members to raise service delivery and related

issues as opposed to affording politicians more time for discussion. The agenda and themes of these events should be established in consultation with the people of the particular community. In doing so, these events would truly become a people's parliament.

Given the opinion of respondents regarding the decline in the number of people attending parliamentary events since Parliament ceased offering refreshments, it is recommended that Parliament reconsiders the decision and provide refreshments, even if just a finger lunch. Parliamentary events target poor people, therefore it is rational and reasonable that the institution caters for them since MPs and support staff are provided with subsistence and travel allowances during these events. The researcher believes that it is unfair to expect poor people to bring their own lunch to a people's parliament event; Parliament ought to be seen as caring for the poor. A dedicated budget for public participation could be instrumental to cover costs related to catering.

6.3.4.2 Petitions

While petitions are constitutionally entrenched, the findings of the study revealed that there are people who do not know about petitions and how to submit them. The public education interventions of Parliament should add more emphasis on the use of petitions, given the low uptake of petitions as a mechanism to influence the decision-making processes of Parliament. The red tape associated with the submission of petitions should be removed, so that the public can be encouraged to submit petitions without needing the support of an MP or presenting the petition in the particular format required by Parliament.

Parliament should consider establishing an online petitions platform which would make the petitioning process more efficient and effective. The submission of online petitions on a shared system for petitions to Parliament may expedite the turn-around time for processing petitions. This system could facilitate directing the petition/s to the relevant committee for consideration.

The researcher believes that the petitions committee does not have the capacity to process all the petitions that are submitted by MPs and ordinary citizens. In this regard, a shared system of petitions would enable the involvement of other parliamentary

committees in the petitions process, thereby assisting to provide the much needed feedback to petitioners within a short space of time.

It should also be to the benefit of Parliament to undertake a benchmark exercise with other developing countries to understand how petitions are implemented for developing the best approach for the utilisation of petitions.

6.3.4.3 Committee sittings

It is recommended that Parliament consider scheduling some of the committee's sittings outside the parliamentary precinct and closer to communities so that people can have a first-hand experience of a live committee sitting. This initiative could be piloted in communities around the Western Cape (WC) and be phased-in to other provinces depending the availability of resources. Scheduling committee meetings outside Parliament, especially those dealing with matters of public interest could also be helpful to those who are unable to reach Parliament due to lack of transport. The researcher believes that ordinary people may express themselves better if committee meetings are held within their communities and they are also able to speak their language.

Records of committee meetings such as audio recordings, minutes and reports should be disseminated extensively and be included in the parliamentary website. Members of the public should not struggle to access committee records due to red tape. At present, members of the public who need a video or audio recording of committee proceedings need to purchase a storage device (USB) and courier it to Parliament to get the recording. The researcher believes that it is not reasonable to expect ordinary members of the public to pay to access parliamentary records which are supposed to be made public in the first case.

It is imperative for Parliament to have additional interpreters to support committee sittings to enable MPs and members of the public who wish to express themselves in their own language to do so. At present, committee sittings are held in English, and members of the public who wish to present their submissions are expected to present them in English. For public participation to be meaningful, people ought to have a right to express themselves in the language of their choice. In addition, Parliament should consider having interpreters using sign language for committee meetings that are

broadcast live to accommodate people with hearing impairments, similar to House sittings which have sign language interpreters.

6.4.3.4 Parliamentary Constituency and Democracy offices

To ensure the success of PCOs and PDOs, it is important that members of the public should be better informed about their purposes and existence. In doing so, members of the public will be encouraged to make use of these offices. Both these offices should be central in promoting public involvement in the activities of Parliament.

The extension of PDOs to the six provinces where they are not present is long overdue. PDOs should also be capacitated with the requisite human resource personnel to support Parliament's initiatives. Ideally, PDOs should have satellite offices in each district of the respective province, as opposed to one PDO office for an entire province, which is not reasonable for geographically expansive provinces.

PCOs should not be used to drive political party agendas, given that they receive public funds from Parliament. These offices ought to serve all members of the public irrespective of their political affiliation. PCOs ought to have sufficient support staff to support MPs and members of the public with their queries. MPs should be afforded an opportunity to present constituency-related matters in their respective committees. Parliamentary committees could have a meeting dedicated to deal with constituency matters in its programme, so that these issues can be elevated to the relevant department for further consideration.

6.3.4.5 Public hearings

Public hearings are one of the most widely used strategies/mechanisms by Parliament to promote public involvement in its law-making and other activities. This underlines the importance for the institution to consider having consistency in the roll-out of public hearings for all committees. At present, there is inadequate consistency in the manner in which public hearings are carried out by parliamentary committees. Guidelines and standardisation of public hearings will assist to curb the procedural inadequacies in the planning and execution of these important public engagement and proceedings.

Critical to the planning and coordination of public hearings is the important role of collaboration amongst the units within the institution that are involved in facilitating public hearings. It would be to the benefit of the institution that the existing red tape in

requesting services and support amongst the different units is eliminated as it delays progress in scheduling public hearings. Ideally, this study recommends that a public participation unit should be established to oversee the entire value chain for the facilitation of public hearings.

The importance of access to information on bills, policies and relevant subject of discussion has already been emphasised in this study. It is also important for Parliament to have standardised timeframes for the submission of public inputs into legislation or any similar matters of public interests. The absence of guidelines or prescripts on timeframe for submission of public inputs in the law-making or other activities of Parliament is inconsistent with the 2006 Constitutional Court judgement which compels the institution to give the public sufficient time to submit their input on decision-making processes affecting their lives.

To mitigate the challenges associated with language barrier, it is recommended that Parliament working in collaboration with the Executive, ought to ensure that bills attracting huge public interest such as the (National Health Insurance Bill) are translated into other languages, and this can commence with the Nguni and Sotho languages which are spoken by more than half of the population. The translation of bills into other minority languages can be phased-in based on the availability of resources and need. In addition, pamphlets summarising the key aspects of the bill should be developed and distributed to communities where public hearings are scheduled.

The restriction on provision of refreshments in nation-wide public hearings should be reviewed in the interest of ensuring that the poor and marginalised population can partake in the process of submitting their input without being concerned about hunger. This recommendation is underpinned by the opinions from the respondents which demonstrated that the numbers have been declining since Parliament stopped catering in public hearings.

The development of a standardised feedback mechanism applicable to all committees will assist in ensuring that the participants in the public hearings are informed about the outcome of their input in the decision-making processes. In addition, the dissemination of the final bill or policy to the respective participants or stakeholders should also be compulsory.

6.3.5 Monitoring and evaluation

It is imperative for Parliament to determine exactly what M&E entails within the context of a legislative authority, and to undertake an assessment of the institution's readiness to implement M&E. According to a study by Scott (2009:115), it is of utmost importance that monitoring and evaluation receive top priority in the legislative sector, given its neglect. The researcher is in agreement with this notion and believes that M&E cannot succeed at Parliament if the political leadership and top management have no buy-in in the process. Thus, it is of utmost importance that the commitment to implement M&E holistically starts at the top level of the institution. The presiding officers (POs) in this case need to understand that M&E is valuable for the sustainability of the institution, and that the allocation from the fiscus is also informed by the ability of the institution to meet its predetermined objectives.

The researcher believes that reprioritisation of Parliament's resources to build and sustain a strong M&E system is critical. Having so few individuals at Parliament at present in what is known as an M&E unit is not sufficient. Parliament ought to have a separate unit for M&E that has the requisite human resource personnel, budget and clear responsibilities. This should be followed by the development of an institutional M&E policy which will inform the implementation of M&E as management function at the institution holistically.

6.4 SUMMARY

This summary provides an overall overview of the study from its inception until the conclusion. The introductory chapter provided the overall framework of the study in order to provide an understanding of the topic. The motivation of the study including its aims and objectives, research questions and outline of the thesis content were contained in this chapter.

Chapter two proceeded to review literature on public participation, exploring the different theories and meanings associated with the concept and providing a brief analysis of the international context with respect to public participation. The conclusion derived from this chapter was that public participation has different meanings and interpretation attached to the concept. The common theme amongst the different

interpretation to this concept revealed that it is a critical ingredient for democracy, and it empowers people to be involved in the decisions that impact their lives.

Chapter three provided a synopsis of public participation within the context of Parliament. The strategies used by Parliament to implement public participation including its model were provided in this chapter. This chapter also elaborated on the legal and policy framework on public participation with specific focus on the constitutional provisions for public participation in Parliament and provincial legislatures. In addition, an exploration of the Rules of Parliament was provided and relevant frameworks developed to improve the implementation of public participation in the legislative sector. This chapter concluded that public participation remains central to the mandate of Parliament and was well regulated starting from the Constitution and other relevant policies which seek to promote public involvement in democratic processes.

Chapter four provided detailed information on the research methodology applied in the study. The study utilised a qualitative research approach to study human actions and present information in words as opposed to numbers. The collection of data was undertaken using interviews and a semi-structured questionnaire which was distributed to 10 respondents. The data presented in this chapter revealed mixed reaction from the respondents as it pertains to the implementation of public participation in the activities of Parliament.

Chapter five gave an overview of the findings of the study as it relates to the interviews and literature undertaken. The discussion of the findings was based on the aims and objectives of the study. The findings of the study provided insight as it pertains to the areas of weaknesses in the roll-out of public participation strategies by Parliament.

The last chapter provides the overall conclusion of the study and make recommendations in line with the findings of the study on implementation of public participation by Parliament in its activities.

Interesting patterns emerge upon reflection of the public participation mechanisms (public participation events, public education, public hearings, petitions, constituency and parliamentary democracy offices and committee sittings) used by Parliament to promote public involvement as highlighted in the study. The institutional public participation events are organised annually and the manner in which they are

organised is often predictable and there have complaints about poor feedback after the events. The public education programmes of the institution need to be reviewed and require further development so that citizens are well informed to contribute meaningfully in shaping their futures. Public hearings are critical in providing the public with an opportunity to raise their input on matters of public interest, however, the coordination of these hearings needs improvement. There is a need for Parliament to invest more resources for the expansion of parliamentary democracy offices into other six provinces and to encourage the public to make use of petitions as a means to raise their interests.

It should be acknowledged that Parliament has made progress over the few years in developing various mechanisms to promote public involvement in its processes. The Constitutional Court has played a significant role in propelling the institution to commit on promoting public participation in its law-making and similar activities within the context of participatory democracy. The Constitution also provides the basis into which public participation is embedded in the rules, policies, guidelines and related frameworks. Of significance to note is the adoption of the Public Participation Model that was adopted in 2016 and the implementation of this model in its entirety could be the catalyst for meaningful public participation that enhances the decision-making processes.

Lastly, it is vital for the 6th Parliament to lead by example in promoting meaningful public participation in its activities so that the provincial legislatures and similar organs of state may follow suit. The recommendations made in this study can be useful for the institution to revisit some of its public participation mechanisms with the objective of improving their effectiveness and efficiency.

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APPENDIX 1: CONSENT FORM

Consent Form

Research study: An assessment of public participation in the law-making and other activities of Parliament

I, _____ (the respondent), have been asked to participate in a research study titled: ***An assessment of public participation in the law-making and other activities of Parliament***. The purpose of this research is to explore the notion of public participation and how is it implemented in Parliament.

I have been requested to take part in an interview conducted by the researcher and have been assured that there will be no risks or anticipated discomforts suffered for participating in the research study. I understand that I have the right to refuse to participate in this study. I also understand that if I do agree to participate, I have a right to change my mind at any time and terminate my participation. I understand that any information obtained from this study that can be identified with me will remain confidential and will not be given to anyone without my permission. My signature below indicates that I have given my informed consent to participate in the above mentioned study.

I understand that if at any time I would like additional information about this project, I can contact the researcher at the following contact numbers or email address:

Tel: 021 403 3760

Cell: 083 412 1585

Email: akabingesi@parliament.gov.za

Signature of participant

Date

Signature of researcher

Date

APPENDIX 2: QUESTIONNAIRE

RESEARCH QUESTIONNAIRE

Name of Student Researcher: Anele Kabingesi

Institution: Stellenbosch University

Title: An assessment of public participation in the law-making and other activities of Parliament

Employer: Parliament of RSA

Position: Committee Secretary

Contacts: 083 412 1595 / 021 403 3760

Email: akabingesi@parliament.gov.za

Supervisor: Ms J Adams

Dear Sir / Madam

My name is Anele Kabingesi and I'm a Committee Secretary in the Committee Section of Parliament.

I'm studying for a Master's Degree in Public Administration at the Stellenbosch University (School of Public Leadership) student number 23429437. My research is on exploration of public participation in the law-making and other activities of Parliament. I would like to invite you to participate in this research study which on completion will be used to enhance meaningful public participation in Parliament.

Aims of the Research

The study aims to explore the concept of public participation and how it is implemented in the activities of Parliament to contribute to enhanced decision-making.

Section 1: General

1.1 Does Parliament have a programme that encourages public participation? If yes, please explain.

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1.2 What is your understanding of public participation?

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1.3 Do you think public participation is necessary; if so why?

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1.4 Do you think the public is aware of their right to participate in activities of Parliament?

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1.5 What can you do to contribute to effective public participation in Parliament?

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1.6 Before you came to Parliament were you aware of public participation? If yes, please explain?

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Section 2: Institutional arrangements

2.1 Politically, who takes the responsibility for public participation in Parliament? Please mark with an

X: Speaker // Secretary // House Chairperson //

2.2 Is there a unit in Parliament responsible for public participation? If yes, please explain.

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2.3 Do you think this unit is accessible to the public? Please explain.

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2.3 Do you think this unit is capacitated to implement public participation programmes effectively?

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2.3 What is the core function of this unit? Please explain.

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2.4 Is this unit responsible for coordinating public participation programmes in Parliament? If yes, please explain.

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Section 3: Implementation

3.1 Does Parliament have an outreach programme for reaching marginalised communities? If yes, please explain.

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3.2 Which mediums of communication are used by Parliament to reach out to the public? Please explain.

3.3 Are these mediums of communication effective in reaching to the public?

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3.4 Is there a specific funding for public participation in Parliament?

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3.5 Does Parliament have a mailing list to inform the public of its work? If yes, please explain.

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3.6 How important is public participation in the legislative function of Parliament?

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3.7 How important is public participation in the accountability function of Parliament?

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3.8 How important is public participation in the oversight function of Parliament?

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Public Hearings

3.9 Who is responsible for coordinating public hearings in Parliament?

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3.10 At what point is the public invited to participate in public hearings during legislation processing?

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3.11 Is there a policy on coordination of public hearings in Parliament? If yes, please explain.

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3.12 Who gets invited to make oral submission during public hearings and why?

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3.13 Are public hearings well-coordinated in Parliament?

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3.14 Do people need approval to participate during discussions in public hearings? If yes, please explain?

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3.15 Do you think public hearings are necessary? If yes, please explain.

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Committee meetings

3.16 Is the public allowed to participate in committee meetings? If yes, please explain.

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3.17 Does the public have access to committee minutes or reports? If yes, please explain.

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3.18 At what point are committee meetings closed?

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Taking Parliament to the People

3.19 Please explain the importance of Taking Parliament to the People?

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3.20 How important is public participation in this forum?

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3.21 Who is responsible for coordinating this forum?

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Petitions

3.22 How important are petitions in Parliament?

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3.23 How is the public encouraged to submit petitions?

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3.24 Is there a committee responsible for petitions? If yes, please explain its role.

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3.25 Explain challenges associated with the petition process.

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3.26 How can public participation be improved in Parliament?

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Section 4: Monitoring and evaluation

Monitoring

4.1 Do you have a system for monitoring the effectiveness of public participation programmes? If yes, please explain.

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4.2 Do you think the monitoring systems are effective? If yes, please explain.

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4.3 How can the monitoring systems be improved?

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Evaluation

4.4 Do you evaluate feedback from the public regarding public participation programmes? If yes, please explain.

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4.5 Do you evaluate public participation programmes (failure or effectiveness)? If yes, please explain.

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4.6 How effective are the evaluation tools for public participation?

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Thank you for your assistance and kind cooperation.